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Barton  
Letters for Literary  
Characters



DUBLIN  
LIBRARY LETTERS  
SOCIAL

FROM

LITERARY CHARACTERS

TO

E. BARTON,

"

EDITED

BY F. DANIER:

WITH

A PREFATORY NOTICE, BY E. B., OF CAPTAIN ROCK; AND A SUMMATIVE  
PASSAGE, BY HIM, NORTH ABOUT.

In nova fert animus mutatas dicere formas.  
OVID.

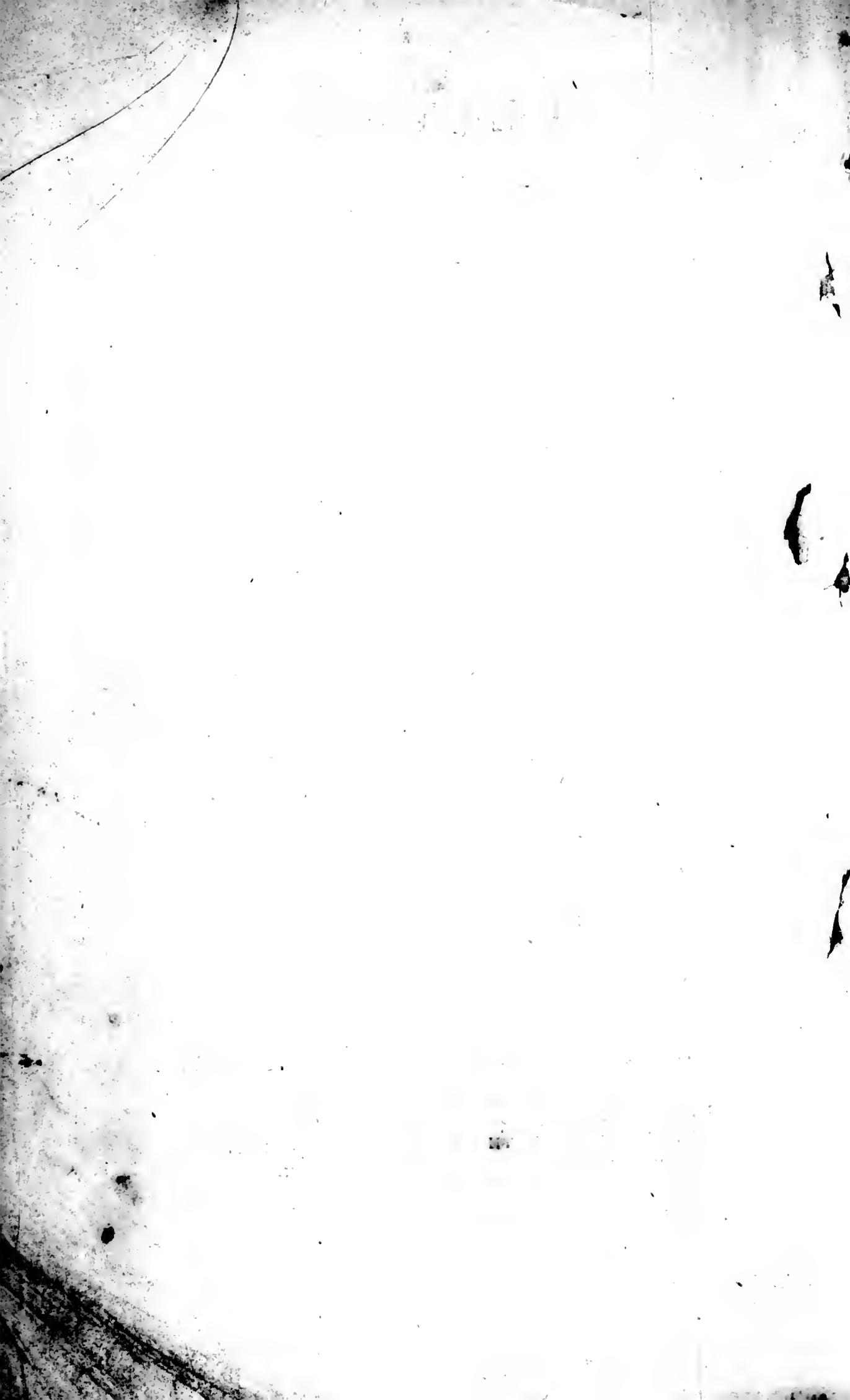
Quo teneam vultus mutantem Proteo nodo?  
HORACE.

Varie eludent species atque ora :  
formas se vertet in omnes.  
Tantumq[ue] magis contineat tenacia vincula;  
Donec talis erit, mutato corpore, qualis.  
Videris incepto.

TRIGV.

DUBLIN:  
RICHARD MILLIKEN, GRAFTON-STREET,  
BOOKSELLER TO HIS MAJESTY,  
HIS ROYAL HIGHNESS THE DUKE OF CLARENCE,  
HIS EXCELLENCY THE MARQUESS WELLESLEY,  
AND THE UNIVERSITY OF DUBLIN.

1824.



7 Feb. 28 - Cf.  
J.

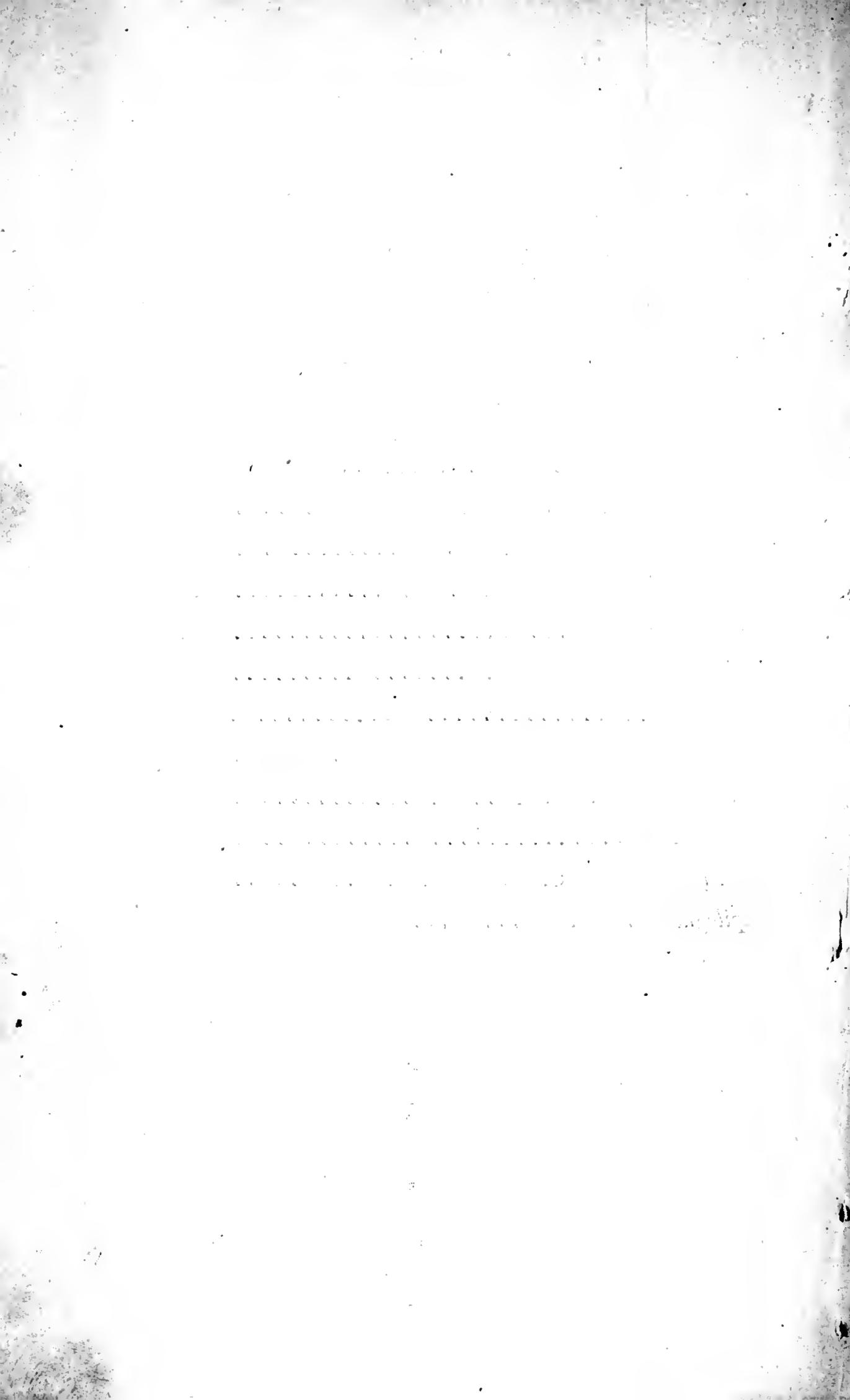
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DUBLIN  
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SOCIETY

## MEMOIRS OF CAPTAIN ROCK.

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### RUPIBUS

*Vidi docentem ;* ——————  
————— *et aures*  
*Capripedum\* Satyrorum acutas.*  
*Evae, recenti mens trepidat metu :*  
————— *evae, parce LIBER !*

---

WHAT shall I say of this work? Undoubtedly that it is a spirited and lively one: full of wit, and playfulness, and point, and information; occasionally serving up wholesome lessons and important truths, in a seasoning of smiles and pleasantry, that while they give these flavour, conceal perhaps some sprinklings of pernicious falsehood, which (à l'insçu du Cuisinier†) are mingled in the dish.

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\* “I have seen my father, and some of my uncles, bending for hours, with melancholy faces, over their spades; when suddenly one would fling his in the air, and instantly the whole party would take to *capering*,” &cet.—  
MEM. OF CAPTAIN Rock, p. 247. As for the *trepidations* which I have acknowledged, perhaps page 275, and some others, might explain them. As for my implying that the *Rock* family are of the *Satyr* kind, their *capering* may be considered as some evidence that *they are*: and how does Ariosto (or is it Tasso?) describe the martial sons of Erin?

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————— *irsuti manda*  
*La divisa dal mondo, ultima Irlanda.*

† N'est ce pasqu' il faut parler Français, l'orsqu' on parle de la cuisine?

If the instructions which this writer gives, could be confined to those for whom alone, I hope they were intended, and would be conned with diligence, and without prejudice, by these, I think there is counsel in his book, which might be followed with advantage; though I will not say that the whole of his advice ought to be taken; nor perhaps that any of it should be pursued to the length which he would recommend.

But his lessons cannot be confined, in the way that I have been supposing. They are as audible to the Turbulent and Discontented, as to their would-be Rulers; and proclaim as distinctly to the supposed misgoverned that they are right, as they inform the supposed misgoverning that they are wrong.

Now those whose passions are already dangerously up, are exactly the persons, who ought not to be supplied with the stimulant of an assurance that they are right. If as yet they be so, the probable consequence of such encouragement is, that they will speedily be wrong: that they will rush beyond those *certos fines*, which, less incited, they might not have passed; and that their violence and error will thus defeat the corrective purpose, which I am willing to suppose that their rash encourager had in view.

*Est quodam prodire tenus; si non datur ultra.*

When did the practice of a turbulent multitude acquiesce in this position? When did their proceedings fail to give it a rude and reckless contradiction? *Dum æquari velle simulant, ita se quisque extollet, ut deprimet alium;* and in the headlong fury of this career, the *moderatio tuendæ libertatis\** will be lost.

Besides, merely to suggest evils, is generally to do mischief: for it is to provoke an impatience and discontent, the effects of

---

\* Livy.

which may be pernicious. The suggestion of evil should be only what the lawyers call *inducement*. Our description of the malady should be but introductory of our plan of cure. We know that there be remedies, which are worse than the disease ; and when the supposed bane and antidote are both before us, we have opportunity for a choice, which should be made with caution. It not only is madness to get rid of *bad*, by merely changing it for *worse* ; but it will frequently be wisdom to bear the ills we have, rather than fly perhaps to others that we know not of ; and consequently which we cannot know to be more easy of endurance.

Now what are the cures which this animated work proposes ? Perhaps one of its faults is, that it gives us no distinct or definite view of these. Thus it becomes insidious in effect ; though possibly not so in intention. It paints in such lively colours the misery of our present situation, that in our haste to migrate, we forget to inquire where we are going.

What, I say again, are the cures which this work proposes ? Let the author and the reader pause, and endeavour, from its pages, to collect and construe the mysterious answer.

Abolition, total prompt and unqualified, of tithe ;—a reduction of our Church Establishment, from its present—say gigantic—size, to very little more than lilliputian stature ;—a removal, without condition, security, or delay, of whatever remnant of disability attaches on the Catholic religion ;—the establishment, for the peasant's comfort, of a *minimum-maximum* of rent ;—a surrender of the entire system of public education, into the hands and guidance of the multitude, to be regulated by the wisdom of this *numeri-sumus* class ; the State reserving to itself nothing but the right of bearing the expense :—a speedy, total, and everlasting separation from that country, which for more than six centuries has been sowing, in havock and oppression, the poisonous seeds of misery and revolt ;—I am not without fears, if these be not the remedies

which this publication recommends, yet that the exasperated portion of our community might interpret it as recommending them; or might at least determine for themselves, that such would be the only road to permanent reformation.\*

With regard to the Roman Catholics, my opinions are on what is called the liberal side; and if it be not fulsome to cite pages written by myself, I can refer to '*Recent Scenes*', in voucher of the above assertion.† But on the other hand, I agree with a writer who signs himself *Harg: O'Brien*, (differing, in the degree of this concurrence, from the Biographer of Captain Rock,) that "amongst the opponents of the Roman Catholic demand of further privilege, are to be found persons who are neither illiberal nor unwise; and whose sentiments towards Catholics, while they conscientiously resist their claims, are, notwithstanding, those of charity and good will. Their resistance is on grounds which I consider as insufficient: but he must be a weak or an uncandid man, who treats those grounds as merely frivolous and idle. The question is a complicated and momentous one. Buried in futurity, its remote consequences are beyond our ken; and can be no otherwise reached, than by conjecture. The nature of those consequences must therefore be a question, on which reasonable and honest men may disagree; and of this difference the necessary result will be a correspondent diversity of opinion on the subject of Catholic pretensions."‡ I agree indeed in the entire view, which the same writer pro-

\* "Great indeed" (observes S. N.) "must be the caution with which any proceedings are adopted, that an enemy, for such the combinator in the South must be deemed, can interpret into an admission of their right to dictate, or an acknowledgment of their power.—*Miscellaneous Observations*, p. 42.

† Page 73, and *passim*.

‡ *Reflections on the Lieutenancy of the Marquess Wellesley*, p. 90, 91.

ceeds to take of this important subject. Accordingly I cannot but be startled by the doctrines, which I extract from those verses in the Memoirs,\* which conclude the first chapter of the second book.

It is true, the author impliedly intimates that insurrection should have an end. But I doubt whether he does not, by as strong an implication, connive at, if not countenance its continuance, until certain Greek calends, whose arrival is neither to be expected nor desired.

Then the passage to which I have adverted, insists on the numbers of the Catholics, in a way that I do not like.† Their number supplies an argument; and to my views a strong one. But it is an argument which may with ease be pushed mischievously far; and which is so, when its point and *gist* is intimidation.

Are English Catholics better situated, than those who profess the same religion in this island? If not, are *they* to remain quiet, and are Irish Catholics to rise? What better would such a doctrine be, than a two-fold recurrence to the *droit du plus fort*? The British Catholic is to submit, because *there* the Protestant is *le plus fort*: the Irish Protestant is to yield, not because he has a weak and flimsy case, (its merits are not discussed,) but because the *vis consili expers* of the country is against him.

Now though the murmurs of a multitude must be entitled to the more weight, by reason of the many from whom they are extorted, (for show any thing to be a grievance, and the

\* Of Captain Rock, p. 156, 157. In conceiving that there is *some* mischief in those verses, I do not mean to deny that there is *any* truth.

† As long as millions, &c,

more extensively it operates, the more it requires to be redressed,) yet I shrink from admitting the argument of numbers, unless so far as it can connect itself with the merits of the case. I cannot bear, while we are employed in weighing these, that any thing should occur, like flinging a sword into either scale.\*

Nay, while the number of Irish Roman Catholics supplies an argument for *them*, I feel as if, consistently with my allowing this, I might find one, for the English Catholics, on the very smallness of their numbers. For if it can be said to those in Ireland, "we are apprehensive of the consequence of a compliance with your demands: we fear, that *æquari velle simulando, ita vosmet extolleatis, ut deprimetis nos*:"—if such an objection may be raised on this side of the channel, yet east of "Mona high," it cannot be said that it exists.

I am disposed to allow largely for the feelings of a writer, whose soul is full, to overflowing, of freedom and of his coun-

\* May I offer the following lines, as a counterpoise to Captain Rocks' 'as long as millions,' &c.? See p. 156.

While of our swarming millions 'tis the aim,  
A whelming force of numbers to proclaim,  
To such, it is no tyranny to say  
' Give place, proud throng, you seek to over-lay:  
You preach not that we *ought*, but that we *must*—  
And what, forsooth? Be trampled in the dust.'  
When millions hold such language, thousands may,  
And, reader, ought they not to—answer nay?  
As tho' you were but suffering thousands, call  
For wants, and rights; and prove, and take them all.  
But bullying mobs we brave; tho' Rock combine 'em;  
And madly menace war—*iuter necinum*.

If the millions have the best of the argument, they ought, for this very reason, the less to resort to suggestions of their force. *Stet pro ratione voluntas* more resembles the idiom of oppressors, than oppressed.

try. But if I had weight or influence (I have not any) I faintly would moderate, what I was reluctant to condemn. The spirited painter, on whose canvass I am gazing, has indulged in a strength of colouring, which deviates from truth and nature: he has introduced some groupings that we must wish away: he has given to what he calls resemblance, the distortions of caricature. Whether he has done so with ill intention, is a question which I will not withdraw from the tribunal of his own conscience. If *fecit Indignatio*, (which may be the case,) he is, in favour of his patriotism, entitled to be forgiven: nor even while we blame the exaggerations of the artist, can we fail to detect the likeness which they shroud; nor ought we to exempt from every share of censure, those who have furnished the sinister subject, and alarming features of such a picture.

But while I allow for that enthusiasm on behalf of Country, which would give force to every touch that delineated her tale of grievance,

Sunt verba et voces, quibus hunc lenire dolorem  
possis;

and the same sentiment, which produces the tendency, will generally hold it in sufficient check.

Heard ye the din of battle bray,  
Lance to lance, and horse to horse?  
Long years of havoc urge their destined course;  
And thro' the kindred squadrons mow their way.

Rapt into future times, the anxious Patriot hears it all; and even in the swift career, and bold ΠΑΡΡΗΣΙΑ of his freedom, there are topics full of peril, which *fervidis evitat rotis*. He recoils from the hazard of exciting that *motum civicum*, of which the issue must be a conflict, that, dabbled in domestic blood, may lead the country he knows not whither: perhaps to a catastrophe of stern oppression, through a course of

knee-deep slaughter. The following effusion seems to mingle some good feeling with its bad verse.\*

Dear Erin, my country, I love thee well :  
Better, oh better, than words can tell !  
Ere civil gore moisten, or tyrant enslave,  
May the verdure that brightens thee, cover my grave !  
To your gales, may the breath, they have lent me, be given ;  
And Death, for your rights, waft my spirit to heaven !

Our Biographical Allegorist taxes England with having pursued a selfish policy towards this country, of which the mere object was to retain it as a part of her national and imperial greatness. Perhaps, in the annals of the two islands, the traces of such a policy may be discerned. But if one country desires *that*, which is conducive to the interests of nother, what matters it to this latter, though the motive, in which this wish originated, should have been a selfish one ?† A man, wishing me to live, does all he can to preserve me from want, and sorrow, and disease. Is this because he has a friendship for me ? No : but because he is an annuitant for the term of my life. Shall I commit suicide, in order to punish the mercenary motives of his nursing care ?

Suppose Ireland should shake off her connexion with the Sister Country. This latter *sibi constet*. She will endeavour to regain by arms, what her policy is said to have been directed to preserving. Suppose her martial efforts, to be crowned with prompt success. Behold us reduced to a vanquished and distrusted province. Are our circumstances thereby improved ? Suppose that spite of her resources, her naval and other power, the conquest is delayed. Can it be more ? And shall we not be the worse off, for this delay ? For what is the postponement,

\* And its third line is to my purpose.

† The doctrine, which this question insinuates, requires some qualification ; which shall be given before I have done.

but a prolonging of that miserable and destructive struggle, which, after

many a *mortal* bout  
Of linked carnage, long drawn out,

is ultimately to terminate in nothing better than defeat? Would our consequent situation be better than it was before? Or should we be placed at the mercy of a conqueror, (or rather at his foot,) whose military labours indeed were at an end, but whose hostile feelings, provoked by our resistance, still endured?\*

Take another hypothesis, if you will. An enemy of England assists this country, in its attempts at separation. Will not this Ally have a selfish object, and wish to appropriate the revolted country,—to set in her own crown the fair emerald, which has fallen from that of Britain? Emmett thought so; and acted (in 1803) on this opinion. For patriotism was strongly mingled with the poor young fellow's treason: his guilt may be said to have been political; and was rather to be looked for in his head, than in his heart.

Scarcely then has France relieved us from one embrace, until fresh and sanguinary struggles are begun, for the purpose of escaping from the Gallic one, which is proffered in its room. And who knows but in this new contest, we might look to Britain as an ally?

\* But the stake is worth contending for, at this risk. Before you pronounce this, inspect your maps, and page 95 of Captain Rock. In solving questions such as these (if they were open to us) we should have to calculate—not merely the value of the prize, but the possibility of obtaining it. I am assuming for argument, without conceding, that to dissolve the connexion of the two islands would improve the circumstances of our own.

But suppose the foreign power joins the separatist cause, not with any view to uniting us to herself; but merely for the purpose of annoying and crippling England. By and by the diplomacy of this latter suggests to (in truth) the common foe, that there is a West India Island, or a commercial advantage, which would be more valuable to such foreign power, than the hot water it was kept in here; and that Great Britain would rather part with the aforesaid island or advantage, than go on, mangling and mangled by a portion of herself. France could not object to a bait, in which no hook was lurking; while Ireland would gain no benefit by this denouement, but that of at length ceasing to be the theatre of war; and would pay for this advantage, by being left to her altered state; one of more dependence than she had previously endured.

To recur to what, at the opening of this topic, I observed. The motive can only be immaterial, where, be this generous or selfish, the conduct which follows is the same. But I admit, that between motive and conduct there is an intimate connexion; and that where the former is narrow and interested, the latter is not likely to be liberal or wise. Honesty (the best policy in great matters as well as small) will not suffer itself to be made the tool of a selfish purpose. It will not minister; it must guide. It must direct the end; and call on Prudence to supply the means. It is the influence which it thus has on conduct, that makes interested motive so pernicious. Let the object of our rulers be to govern Ireland well; and in accomplishing it they will produce, sooner or later, that attachment, which will firmly rivet its connexion with Great Britain. But let the retaining possession of this country, and its resources, be the end which their shrewd political avarice has in view,—and their treatment of us will be tinged, and their object may be defeated, by the mean and mercenary motives, by which their conduct is inspired. They will give way to a dishonest fear of our becoming too power-

ful to be ruled ; and may find the estrangement which is generated by such a grudging system of half-faced fellowship, more hostile to the connexion, than our power or prosperity could be.

That Ireland has been misgoverned—is a position which I leave to the enterprise of others to deny. But *delicta Majorum immeritus lues* is a denunciation, the justice of which is sufficiently recondite ; and what is there in the conduct of the present Government, that betrays hostility or indifference to the interests of the public ? They have resorted to measures of coercion. What is this, under the circumstances of the country, but to say that they have quelled a spirit of insurrection, which was laying that country waste ? What, but that they have stood between an infatuated people, and the ruinous consequence of its own fury and excess ? And if, in carrying any part of this salutary object into execution, their Police have sanguinarily or oppressively outstept the line of duty, have these not been visited with the exemplary and instructive rigour of the law ?\*

\* Latterly. Indeed I hope and believe that this has been so, as often as the case was brought within the cognizance of the Law. As to earlier proceedings, and the exercise of discretion on the part of some who were invested with it, this is a part of the subject, on which I have no desire to dwell : though, if they knew *who* I am, Mr. ——, and at least two others, would at the same time know that there are some things which I could both say and prove : and let me add, if they knew *what* I am, they perhaps would not suffer a supercilious disregard of my suggestions to form a part of what I could thus prove. Had discretion done more at first, possibly law might have had less to do at the latter end.

By the way, if the tithe-composition bill—its core and principle—be (but is it?) of Mr. \* \* \*'s creation, I either over-rate it, or have been under-rating him. Independently of what I consider to be the merits of this measure, nothing which that gentleman has done, that I know of,—or written, that I have seen,—or spoken, that I have read,—appears to mark an intellect, materially exceeding *par*, or quite answering the urgent call of the present exacting times. Besides, I am not given to rely implicitly on a mind, which

But the disabilities of the Roman Catholics remain. I, for my part, wish they did not. But their removal awaits the solution of a momentous question of national policy, on which the opinions of wise and honest statesmen are divided. Can those, who agree in sentiment with me, urge no better argument in support of our common theory, than insurrection? Are we to assert the doctrines of Liberty, at the expense of the principles of the Constitution? Are we to maintain freedom, by intimidating the legitimate and public councils,—and interdicting cautious deliberation, and uncontrolled debate? Before the march of Government can be said to be *per pacata omnia*, shall we urge discussions, which are of too complicated and delicate a nature, to be undertaken with any prospect of advantage, unless when the political atmosphere is tranquil and serene? Of such discussions it may be said, that *inter arma silent.*\* It is not at the moment when a country was

deputes to others the task of forming judgments for it ; and prefers being an obsequious echo, to being the voice of its own thought. Some time after his &cet, I saw a letter from Mr. \* \* \*, written in a tone of much courteous consideration. He then had not learned his lesson. In some months afterwards, I saw a second letter from (as the old trash novels say) ' the same to the same.' In the mean time the bulb of his judgment had been plunged, by — — —, in cold claret, or iced champagne ; and his mercurial tone was fallen,—I may not say to lofty dryness and supercilious distance ; for the expression *fenum habet in cornu* ; which is latin for its being a bull. *Hæ nugæ seria ducent in mala ; et sape duxerunt*, as I believe. Not that slight of an individual must necessarily be of importance to any but himself : but that probably, if notes could be compared, the conduct to *one* may be a sample of an insolence of office, which is galling and revolting *many* ; and which is rendered the less tolerable, if it but act on the traducing tattle,(a) and administer the paltry malevolence and shallow sauciness of others.

(a) Generally whispered in mysterious, false, and slanderous confidence.

\* And who force the silence (or at the very least supply a plausible pretext for maintaining it) but those who complain that it is not interrupted by the triumph of emancipation ? The same persons who compel us to continue the insurrection act, are those who thereby force us to postpone the Catholic Question ; or to press it forward under circumstances and prejudices unfavourable to their claims,

invaded, that its lawgivers would introduce subjects of intricate legislation. But it is the postponement of these correctives that has led to the invasion. Let this, for argument, be granted.—And because our predecessors may have suffered a *good* opportunity to escape, are we *currere in contraria*, and to choose a *bad* one? But our legislative rulers require to be watched and awed. Instead of objecting, as we might, to such a doctrine, as unconstitutional, let us inquire whether the position, which it turns on, can be sustained. Let us see whether this legislature, unawed and uncoerced, has not, within the last fifty years, been striking off, one by one, the heaviest and most irksome links, of what is still said to be a chain; and still felt to be a galling one. Who am I, that thus (I will say honestly\*) am preaching patience? The lineal and not remote descendant of a wealthy Roman Catholic gentleman of ancient family; whose *all* a protestant discoverer was allowed to swallow up; leaving him nothing but a large family and an honest heart; the former nearly beggared, and the latter altogether broken.†

But the Government is doing nothing; while the Country is suffering from a knot of grievance, which it expected would be loosened. Will the writer, whose work I am considering, allow me to borrow an answer from himself? “It is no such easy matter to unwind a wrong, knit up so many years.”‡—

\* And *most* impartially, if not against the natural bias of my feelings. For the tendency of my observations is in favour of a Government, which (*especially in its head*) I *believe*, means eminently well towards the country; but against some of the individuals and hangers-on of which, I should scorn myself if my gorge did not continually rise; or if I could otherwise appease the insurrectionary spasm, than by a determination so far to overcome my indolence (and perhaps placable and easy nature) as at length, if I live, to demonstrate what I am, to all Insoleuts, chief and subordinate, whom it may concern.

† See Note K. at end.

‡ Memoirs of Captain Rock, p. 178.

That which is difficult, will take time; and sufficient time should be given. In the interim, we ought not to fall into a passion with the knot; or we shall but thereby baffle our own efforts to untie it. Still less should we abuse and execrate it, in the hearing of a furious multitude; who will be for cutting it at once; and who in doing—or in attempting to do—this, may sever that by which all their best interests are upheld.

To return to the Catholics. On this subject, Rock's Biographer advances a doctrine of some novelty: \* viz. that the penal code was a true peace-preservation system; and that we had less to apprehend from the discontent of Roman Catholics, while the Law held a ruthless foot upon their necks, and its penalties ground their fortunes, hopes, and families to powder, than now, when she has raised their body from the dust, and made them all but equal to their Protestant fellow subjects. I myself consider the acquisitions which Roman Catholics have made, as including reasons for our compliance with their further expectations. But the argument which I extract from them is by no means this; that to accumulate favours is to generate just displeasure; and that every boon should excite—not a benevolent, but an angry feeling; not a joyous consciousness that much has been obtained; but an indignant recollection that something is withheld. †

Such reasoning, unless I misconstrue it, would tend to show, that where a State can not, consistently with its fundamental maxims, place one class of its subjects on a footing of full and perfect equality with another, it must, if it would preclude disturbance and discontent, hold the former in deep, unqualified, and eternal degradation.

If the argument be a good one now, it must have been so

\* P. 229, 230.

† *Nil reputans actum, dum quid superessel agendum.*

before any concessions were yet made. For illustration, let us suppose it to have been used in the year 1775 ; when the penal code was (I believe) in detestably full vigour. Let us imagine a colloquy to have then taken place, between the Biographer whom we are reviewing,—a friend to Catholic emancipation in its fullest sense,—and one who to a certain degree was favourable, and beyond that length was a conscientious opponent of their claims. We will name the interlocutors *Rockite*, *Catholicus*, and *Anti-Catholic*.

R. What do you both think of the penal code ?

C. and A. That it is a most atrocious system.

R. Then you are for putting Roman Catholics on a footing of complete equality with their Protestant brethren.

C. If not altogether, yet very nearly so. I would go the length that Mr. Burke has recommended.\*

A. C. I love my Roman Catholic brethren : but with my views of the Constitution, I could not go so far. I would give them every civil right ; and put their religion on that respectable footing, on which a concern, so sacred as Christianity, ought to stand. Of political power and privilege I would also give them share. But this I would deal out with somewhat a more sparing hand.

R. But do you recollect the overwhelming numbers of the Catholics?

A. C. I do. The recollection forms no small part of the grounds on which I act. I would (though reluctantly) be frugal, in my grants of political power to so numerous a body. I have to reconcile two objects, as well as circumstances will allow. I have to rescue Catholics from disfranchisement and depression ; and at the same time to preserve to Protestants their franchises and their *grade*.

\* I ask permission to commit an anachronism here ; and to suppose that what Mr. Burke wrote in the last ten years of the eighteenth century, was already written in 1775.

R. Their *grade!* I see you are an ascendancy man.

A. C. Nay, I should not desire this *grade* to be a high one. Let Protestantism be placed beyond the reach of those who would pull it down; and all my wishes on its behalf will be fully satisfied.

R. Pardon me; you are, without knowing it, a bigot. None, who was not, would refuse to place Catholics on an equality with their Protestant brethren.

A. C. So far from being a bigot, I consider the two churches as standing less wide asunder than is usually supposed: and as for equality, if this could be accomplished, I do not know that I would oppose it. But considering our relative numbers, I am apprehensive that to make Roman Catholics *nominally* our equals, might be to render them *really* our superiors, in a degree perilous to that great national establishment, which we call Church and State.

C. I concur in the principles which A. C. has been laying down. The difference between us is but this; that I conceive we might go the lengths which Mr. Burke has recommended, without incurring the dangers which A. C. has been suggesting.

R. If the Legislature be not prepared to go the entire length of "greatly emancipating," (in the language of Mr. Grattan,) it is much better to leave the penal code untouched. You will but irritate, by relaxing.

C. and A. C. We can not agree with you, that slavery, insecurity, and degradation, are preferable to freedom and its appurtenants; and this freedom clothed with powers sufficient permanently to protect it; though not equalling those which the Protestant community possesses. We cannot agree, that it is more offensive to give nearly every thing, than to deprive of all; or that liberty and respectability are less tolerable than oppression and disgrace.

But I am neglecting the advice given me, by a letter which

here follows ;\* and the writer of which is, doubtless, impatient to have it read. I conclude then at once by saying to the historian of The Rocks,—and in one page at least,† the apologist of Rebellion,—that while on the score of talent I give in, and decline all competition, I at the same time doubt whether he, to whom I yield this palm, is not a more brilliant advocate than he is a sound adviser; and whether in the dash and daring of his thoughts, the Catholics of Ireland could find as secure a foundation for their claims, as is contained in my comparatively flat and sober page. Some, indeed, in this country, seem to be entering on the same field which Rock's Apologist has chosen. But I consider it as less a field of argument, than a *champ de Mars*; and as better adapted to raising standards, than to constructing hopes.

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*Rupibus*

Vidi *docentem*, (*credite posteri,*)  
*Nymphasque discentes*; et *aures*  
*Capripedum Satyrorum acutas.*  
*Evae, recenti mens trepidat metu;*  
*Evae, parce Liber!*

## PARAPHRASE.

When first thy soft, voluptuous Muse appeared,  
And Maids—or call them *Nymphs*—unblushing heard,  
I little thought the not too ‘ pensive nun’  
Would e'er reverse what Hannibal had done:  
Music hath power to soften ‘ raging rocks :’  
*He preferred vinegar*; and ‘ shivering shocks :’ ‡

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\* From O. B. to E. B.

† P. 275.

‡ Whence I have borrowed this, I do not hide:  
From Livy, Bottom, and the Mourning Bride.

But your task is to *harden*, in their bed,  
 ' And bid them topple on the *Warder's* head.'  
 Nay, in your *Satyrs*, they come *capering* down,  
 Like those that followed *Orpheus* into town :  
 Less like *Amphion's* Train, (and more's the pity,)  
 These rather would destroy, than build a city.\*  
 Should they succeed, ' what heart of stone could long  
 Dry-ey'd behold the sequels of thy song !  
 Free !—that thou art ;—aye, *Liber-tine†* as air ;  
 And seemingly as well disposed to spare  
 Reliques of sacred *Eld*, and works of men,  
 As that same air, when swoln to *Hurricane*.  
 When you ' untie the winds, and bid them fight  
 Against the churches,' shall we not unite,  
 For Altars, Laws, Tradition, Truth, and Right ? }  
 Shall Fury's grin, and Treason's stifled roar  
 Not bind us to Establishment the more ?  
 I know you say, that Rock's a generons *crater* :  
 But whisper : I am a *volcano* hater.  
*Juxta*, too, just at hand, *tonat ruinis* ;  
 Which words remind me of another ;—

FINIS.

\* Πόλις ; which means a city, or a state :  
 Pardon these notes : whatever be their weight  
 of reason, they are rhyme at any rate.

† *Liber* (into your dictionaries look,)  
 Means *Bacchus*: true ;—but also *free*, and *book*.

See Notes G. 1, and G. 2, at end.

STRIDENS AQUILONE PROCELLA  
VELUM ADVERSA FERIT.

VIRGIL.

I have just been reading, in *The Freeman's Journal* of the 15th instant,\* a report of Mr. North's speech upon Lord Althorp's motion. Perhaps it is not an accurate report; but being the only one that I have seen, it must answer for my text. I admire the talents of the speaker; I do not impeach his principles; but I cannot applaud his speech. Indeed there is more in it of "no-meaning puzzle," than I should have expected to find in any thing that came from him. His conflicting topics all-but treat him as the waves did the Trojan helmsman, in Virgil's storm.

*excutitur, pronusque magister  
Volvitur in caput.*

I had been much more used than reconciled, to certain cold and shallow intricacies of debate, which belong indeed to "climes beyond the solar road"† of Reason, but in which questions respecting Ireland have been long condemned to wander; looking out in vain for a gleam of genial warmth, or brighter hope of final extrication. I persuaded myself however that The North was doomed to open that long wished for passage, which at length, conducting to a regenerate Erin, should present

a happier island in the watery waste.

But "what" (says Johnson) "are the hopes of Man?" Behold me land-locked, or ice-imprisoned, or fog-circled, in Repulse Bay.

\* May.

† Gray.

Mr. North describes the Irish peasant, as "placed at the very bottom of the scale of human being ; callous to all fear ; uninfluenced by hope ; beholding every thing like prosperity thrust immeasurably beyond his grasp."

Assuredly a situation so dreadful calls for change ; and does not the less require amendment, because it is the case of millions. But the describer does not know (nor is it, I admit, too easy to discover) what course should be pursued, towards procuring this amendment. Thus far we are agreed. But for the inference I was unprepared. *My* inference would not have been, that a proposal to take the subject into consideration should be rejected.

Our premises being these,—that there is a something which is so desirable, as to be nearly indispensable,—and that it seems difficult to pronounce how this something is to be obtained,—shall our conclusion, introduced with its appropriate *therefore*, be—that all inquiry is to be declined—all information to be nauseated,—all intellectual assistance to be spurned?

But Mr. North is for committing Ireland to the management (I had almost said to the custody) of its Country Gentlemen. Is this because they have managed it so wisely, diligently, and prosperously heretofore ?

I presume he will either oppose that continuance of the insurrection act, for which Mr. Goulburn is about shortly to apply ; or else that he will pause, before he surrenders Ireland to a superintendence, which has not precluded the necessity for re-enacting such a statute ; or retaining it as the annual satellite of Lord Wellesley's vice-regal course.

But what, according to the speech which I am reviewing, is the cardinal evil of our State? The evil calling most loudly for correction? That speech tells us, and I believe truly, that it is the situation of the Irish peasant. And whose offspring

is this miserable and degraded being? Many derive his existence from that landlord system, which they accuse the country gentlemen of Ireland of pursuing. The censure of common Fame, they and the clergy share between them; and Mr. North does not think that it is with the latter the fault lies. I do not pretend to say that it rests with either: but until investigation, ascertaining where blame ought to attach, shall have exculpated the landed laity from such a charge, is it statesman-like, to resign the peasant to their hands, and expect that those who may perhaps have degraded him to what he is, will raise him from a state which he has been plunged to by themselves,—and make him all he ought to be, and would have been, but for them? Is it policy, to surrender the peasantry of Ireland to those, who, if Mr. North be right,—and he is an intelligent and close observer,—having run the gauntlet of education, through Eton, Oxford, and a Continental Tour, return to give their tenantry the fruit of all their studies, by discovering, in their fathers' leases, certain flaws, which shall deprive these tenants of their estates?

This eloquent man observes, that “its imperfect conquest was the first great evil which Ireland had endured.” He does not follow up this topic; nor shall I. What he *did* mean, I cannot very distinctly see. What he *did not* mean, is apparent. He cannot have meant that we ought to profit by the talents of that Great Captain whom our age affords; and supply deficiencies which Henry, Elizabeth, and Cromwell left behind.

It were unreasonable to expect, that a man shall be perspicuous and decisive, where there is obscurity and difficulty in the subject which he has to treat: and this may be the case, with regard to raising the Roman Catholic clergy in the scale of society. But when Mr. North, having expressed a wish that they should be so elevated, adds, that “above all, this elevation should be the act of Government”—I do not know what to pronounce upon his plans, until I hear more precisely what these projects are. In his objects, if practicable, I concur. But

I am not without my fears that his proposal may amount to this; that the Catholic Clergy shall be raised, in a way in which they will not consent to rise. To insist too rigorously on certain means, might be to defeat and sacrifice the end: nor in general do I like to make an offer, merely in order to construct an argument on the rejection which I anticipate.

In the subject of Orangeism too, I feel that difficulties are to be found. For more reasons than it can be necessary here to enumerate, I would treat the Orangemen with delicacy and respect.\* For this one, amongst many others; that I am persuaded a strong Protestant feeling (as it has been called) has been imbibed,—perhaps too deeply,—by many estimable, upright, and soundly loyal men. But while (in favour of such persons,) I made every allowance for Orange scruples, I should not be equally indulgent to Orange obstinacy or perverseness. If I were the Government, and that they tried their strength with me, I would endeavour to show them they were over-matched. The question is not exactly that which Mr. North has stated; whether “we should interfere with the opinions of individuals.” Of course I agree with him, that we should not. But we may forbid their forming a political university of factious colleges,—for studying, cherishing, and perpetuating irritating prejudice through the land. The Legislature has attempted to put these seminaries down. But the *letter* could not keep pace with the *spirit* of the law;† and, without transgressing the former, zealots find themselves still able to bid defiance to the latter. Now might not Government afford a suppletory aid to law,—and lending itself to the *letter*, give this an extrinsic efficacy, that should enforce its *spirit*? It does not seem to me unconstitutional,

\* And not with the mere appearance, but with the reality of these. My treatment would not be the mere profession of what I did not in any degree feel.

† 'ATH (which I may render *Sanction*) has limped ever since the days of Homer.

—but the reverse,—that Government should show discountenance to those, who beard or elude the spirit of the Law; and should deter them from continuing such defiance or evasions, by proving to them, that though they may not incur a statutable penalty, they will, by such perverseness, mar their interests and prospects; and incur the displeasure of those whose province it is, not only to administer, but to uphold the law. I see no objection to such a principle as the above;—though I may indeed discern difficulties in its application; and admit that it ought to be most cautiously and delicately applied.

But I come to the grand sedative, or anodyne of Mr. North; that which if he had not suggested, we might have been at a loss to know distinctly what he meant to recommend. “Emigration on an extensive scale” is what he would advise. We are to ship the People off. We are to restore our disafforested districts to a state of scenery, which Rufus would have relished; but which Goldsmith did not admire. We are to do what Rome was taxed with having done: to create a solitude; and dignify its stillness with the name of Peace. And this is to be but “a palliative” after all. Where such proceedings are to *palliate*, I tremble to hear of the measures that are to *cure*; and should even think Lord Althorp’s investigation accomplished something, if it obviated the necessity, for such an assuaging course.

That prompt transportation for life, which the Insurrection Act assured us was a punishment for guilt, is now to be adorned and decked into a boon; and proffered by a fostering government, not to individuals, but to myriads. But is not this for their rulers to inform the people, impliedly that they cannot, and expressly that they will not, endeavour to improve their situation here at home? Is not this for the state physician, to send the impatient patient, whom after mismanaging, he has given over, to die abroad, beyond the region of his sight and ear? The latter could not endure the annoyance of the wretch’s moans; (perhaps of his reproaches;) the former

would as soon not witness that *ultimo crollo* which may soon occur; and in which all his insurrectionary movements will have an end.

But how shall Emigration and Insurrection Act proceed harmoniously, hand in hand? The one sends a single peasant off as penalty: the other transports a barony of peasants as a boon. The one punishes the Irishman, for being up and out after sun-set; fretting over his misery; and perhaps devising mischievous plans for its removal: and when about to be carried off, he is possibly expostulated with, for quarrelling refractorily with his lot; and being blind to the blessings of Country, and of a free and happy Constitution. Meantime the migratory plan admits that the country and situation with which he was guiltily discontented, were in fact not worth living in; and even so little to be endured, that to be exiled for his life from both, is indubitable and very bliss.

But probably my Reader is impatient to have done. Certainly my Printer is so. I therefore will gratify both; and indeed myself. For I have no pleasure in noticing, otherwise than with mere praise, what has issued from the lips and mind of Mr. North. At least nine times out of ten he affords me this indulgence. But in the present instance, I repeat, that while I admire his talents, and do not doubt his principles, I find myself quite unable to approve his speech.

#### NOTE

*referring to Pages V. and VI. Text and Note..*

In looking through the Commons' Journals, E. B. has accidentally fallen upon a passage, which furnishes an authority that he reveres, and many will respect, in support of some opinions which, in the foregoing pages, he has expressed.—“Sir, I have more than once alluded to the relative numbers of our Roman Catholic Brethren. But let it not be surmised, that in doing so, I could intend to convey the language of intimidation. No Sir: there would in this be a folly, or a meanness, from which I hold myself exempt. I meant not to excite the terror, but to awaken the justice of the House. The feeling of my heart is, that no number would be too great to contend against, in a just and righteous cause; but that three millions of acknowledged loyal and faithful subjects are too many, to be excluded from the blessings of our free and happy Constitution.”—SPEECH OF THE RIGHT HONORABLE SIR MICHAEL SMITH, BART. IN THE IRISH HOUSE OF COMMONS, ON THE 25TH OF FEBRUARY, 1793.



## LETTER I.

FROM

O. BANTER, to E. BARTON.

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WELL, my literary friend, (for assuredly you and I are *men of letters*, and nothing else,) what have you now to say, why judgement of pen-shun and ink-avoidance should not be awarded against you, according to law ? I mean the law of Prudence and Discretion. Do as you will, I do not believe you will be ever seen in your true colours : but at least you will not, as long as you appear in black and white. And “simpleton,” as was said to Mason, \* “you must be meek.” Nay be so, in the name of the most childish inexperience ; and, in the homely language of the same expostulator, “see what you will get by it.”

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\* By his correspondent, *Gray*. The Author of *Observations occasioned by the Letter of J. K. L.* complains (p. xxxv.) of the “provoking modesty of E. Barton ;” and, in page viii. of his preface, *Declan* admits of this Duncan, (not Dunce,) that he is “meek.”

Pope describes a learned friend of his, as much “too wise to write.” A succeeding poet, not sage enough for this,

“ Yet left *Church and State* to Charles Townshend and Squire.”

And why should not E. Barton do the same? What's Hecuba to him, or he to Hecuba, that he should go out of his way, to meddle with her affairs? She is as little to him, as the divine Mrs. Twitcher was to Gray.\* In the name of a quiet life then hold your tongue; and cease at length to hold your restless pen. *Quiescas : peream male si non optimum erit.* You have not Horace's excuse. I know enough of you, to be assured that *nequeo dormire* can never be *your* plea: and as to the reader-class, there be essayists enow, to supply them with poppy and mandragora, without your being at the trouble of contributing your mite; or sending a quire of pages, to chant their lullaby. †

If *hactenus et tacuit* be henceforth your maxim, I shall forgive you what is past. Meaning at once to amuse yourself and entertain your readers, your object was to put the Public in good humour with all its members; or in other words, to reconcile it to itself. But hark you comrade, you have altogether failed; and risk bringing an attack on your officious self. I know all that you would say; and

\* She appears to have been the Muse or Symbol of Cambridge Divinity, in his day. See ‘The Cambridge Courtship,’ in Mitford's Gray.

† See Note A at end.

will reply it for you. Declan, in expressing a displeasure which you are glad to know he no longer feels, did not forget that you were a gentleman, or that he was one himself. Even in his passion, he did not treat you substantially ill ; and dealt most generously with you, on discovering the mistake which had made him angry. As for S. N, he appears to be less your critic than your friend ; and if the Author of ‘Observations, on the Letter of J. K. L.’ has sometimes quizzed you, he has generally done so with good humour, and good nature ; with considerable pleasantry, and no ill breeding. The ludicrous account of your “hesitations,” \* and of your “moonlight rambles,” † abound in drollery ; and are by no means destitute of truth : and if ever you prefix a frontispiece to ‘Tracts and Topics,’ I beg to recommend the *reel in a bottle* to your choice. ‡ To the Author of ‘Thoughts on Tithes’ § too, your best acknowledgements are justly due ; and the debt is one which you ought to feel pleasure in discharging.

In short all this is as you say ; and is nearly as gratifying as it is true. But how can we be sure that you will fare as well, with all whom you may come across ? That all your critics will be as mindful of what is due to themselves and you ? Besides, he who so humorously describes your saun-

\* Page 33.

† Page 36.

‡ See Note B at end.

§ A Munster Farmer.

terings *imminente luná*, has in some few instances approached to being severe. After bestowing upon you a first-rate genius,—which Nature certainly had not given,—*in brevia et syrtes urget*: he represents it as lost, amongst the shallows of a judgement of no depth. He proceeds sorrowfully to contemplate the supposed wreck of your mental powers, in a passage which might be compressed into *quæ te dementia cepit?* and which contrasts strangely with S. N's honourable and gratifying description of you, as “a sincere and serious inquirer after truth; well qualified for the search; pursuing it with soberness and candour; and ready to estimate at their fair value, all the arguments which are offered, in refutal of your opinions, or for removal of your doubts.” Lastly the Observer, having clothed you with the powers, seems also disposed to array you in the caprice of a magician: \* forgetful perhaps that scepticism is one of the items of his charge against you. Caprice is never sceptical. Its judgements are as decisive, as they are short-lived. It is as peremptory as it is fickle; and will not hear a syllable against the Cynthia of this minute,—until the next minute; when being *passée*, she is jilted for a fresher whim.

But let critics call you *consili expertem, demen-tem, varium ac mutabilem*, † what forsooth care callous and never-minding you? Nay, if you

\* See Note C. at end.

† Perhaps I ought to say *mutable*; for you are a Moderate; i. e. Neutral.

choose to be heroic at your own expense, à la bonne heure : but you have no right to be fool-hardy at the expense of others. If "the griding sword" pass through E. Barton, there is little harm done : "th' aerial substance," of which he is "compact," will quickly "close." But he ought not to expose others to a random thrust ; or to what they might less relish, any thing like pelting or aspersion. Though to be spattered is not criminal, it may be disgraceful : nor is any man so destitute, as to want a "good-natured friend," who will point out to himself and others, that he is bemired.

And (we are apt to be ostentatious of what we have the least of) to mend the matter, you must be dabbling in law. Others indeed had cited Blackstone, and appositely, without suspicion : but your A. B. C. quotations have at once produced conjecture ; and a wig and gown—or robes—are set down as covering E. Barton.\*

Accordingly *T. O'Bearn* went to Court to look for you, some days ago. He first stepped into Chancery : where he saw your manners, which are not bad ; and your honour, which I agree with him in thinking to be unblemished : but he failed to find yourself. His next visit was to the King's Bench ; a Court which some describe as too good

\* Or else, à l' Irlandaise, as covered by him. *Stat PARVI nominis umbra.*

to need a bush; while others contend that at least it is the better for having one. There he fancied for a moment that he had caught you; and that, towards causing your mask to fall at once, he had but to substitute the fifth vowel for the first. But he quickly abandoned this idea; and the reason of that was this:—but no matter what his reason was, he then proceeded to the Common Pleas; and gazed curiously for a time on its gaze-worthy members, including him whose intellectual strength resembles that of his robustious (and eke periwig-pated) namesake. O'Bearn's conclusion was, that if 'Irish Tracts and Topics' had issued from that Court, there would have been more of vehemence in its arguments, and more of pleasantry in its puns: that while its adversaries were laughed out of some positions, the remaining ones would have been stormed. He therefore crossed the hall, to the Exchequer: where observing a pen at one end, and a standish from Rock-Barton at the other,\* he deemed it likely that the author might be found between them; and those growling and brutal manners, from which the Bar suffers so severely, seemed at once to enable him to put the saddle on the right bear. †

\* There are places of this name in Ireland. Thus we learned from the Freeman's Journal of the 6th of April, that "the Lord Chief Baron had arrived at his seat *Rockbarton*, County Limerick."—I do not take E. Barton to be of this Rockbarton family.      † See Note D. at end.

By the way, he must (said O'Bearn) be a curious animal enough ; and more versatile than his species usually are. For example, he began last year (if Report spoke true) by producing the “One Year of Lord Wellesley’s Administration.” Quickly after, he replied to it, by a tract called “Recent Scenes.” He then was provoked to exhibit “A complete Exposure of the Miracles;” and while compliments were crowding in on him, for the merits of this work, he encountered it with “A Rhapsody,” which some interpreted to be a Hohenlohe defence. He then changed places ; and in “a preface and notes” to the second edition of the exposure, by criticising the rhapsody, enabled himself to add to it “a postscript,” in which he was seen to skirmish with the Exposer. What was he to do next ? To call forth an ancient treatise of his own, entitled “The State of Ireland ;” in order to combat some of its doctrines, by “Irish Tracts and Topics ;” and then to file what some consider as a rejoinder, under the newly assumed signature of H. O. B : who, if he be the *Hob* that sojourns in a well, it is to be hoped has chosen that, in which Truth is reported (rather inconsistently) to *lie*.†—If our Bruen be indeed the author of all these essays, he is an uncommon bear enough;

† “Truth, they say, *lies* in a well”—*Sheridan*. This must be Irish Truth.—As for *Hob*, see the signature, at foot of the last page of “Reflections on the lieutenancy of The Marquess Wellesley.”

(with a freakish sprinkle of the monkey in his composition, I should say;) and there is as strong evidence that he wrote all, as that he wrote any of them. Yet hold! I go too far. The Complete Exposure is the pamphlet, which was ascribed most generally and confidently to him.

But I have done with my digression; and return to my advice. In humble paraphrase of what rung in the mind's ear of the startled Cawdor,

Still I cry write no more, to all the house: +  
Scribbling hath murder'd Time; and therefore Barton  
Shall write no more: the Bear shall write no more.

I know what you would say. You do not like the idea of being cowed.\* I confess I do not over-relish it myself. *Mais voyons un peu.* If, as you went giddily along,—your eyes taking one direction, your feet another, and possibly your thoughts a third,—you unintentionally ran foul of Declan; at first he might feel vexed, and lustily retort the shove. But the feeling would be transient; and terminate good humouredly and quickly, in a mutual ecclaircissement, apology and shake-hands: and when, *pour comble*, it came out that

+ Of Barton: which I hope will not prove Rock-Barton; no more moveable to my entreaties,

*quam si dura silex, aut stet Marpesia cautes.*

\* A word which has been used by Shakspeare, I need not reject.

you were not the author of the state of Ireland, a jostle which had seemed to threaten a dispute, might prove the rough and awkward prelude to a footing of good will.

But suppose, as you were proceeding more cautiously after this rencontre, there occurred another, with a widely different sort of person ; and of a proportionably different description. We know not whom we may come across, upon the pavement, or at the press. Suppose then you should innocently give offence to some captious knight companion of the “inky cloak ;” who rejecting all your apologies, insisted on the immediate satisfaction of a wrestling match. Whether would you take to your heels, or accept “the sable warrior’s” challenge ? I shrewdly suspect that you would run away : nor ought the choice, which you thus made, to stigmatize you as a coward. Besides, if E. Barton be not your name, it is your mask : and this your opponent, contrary to the privileges of incognito, might pluck off ; or you yourself might let it fall, in the slippery confusion of such a conflict. Then *scindit se nubes* : the garish eye of day breaks in upon you ; and farewell twilight perplexities, and dear moonlight reveries ! \*

Suppose us rescued, by Flight or Fortune, from

\* Second Edition of *Observations*, p. 33, 36.

this grimy strife with the sable *Verres*; \* and after procuring “an ounce of civet” from some “good apothecary,” wherewith “to sweeten our imaginations,” to have emerged from vulgar brawls to — I may not say *genteel* society; for this not unuseful adjective our modern Elegants have proscribed. In the last century it was not scorned by Cowper; nor in the century before, by Addison or Swift. Nay, in the days of your learned Oxford relative and namesake, † I can even remember when this dissyllable might have been heard within Peckwater; and a Christ Church man would have endured to find himself described as a *genteel* one. ‡ But we order these things better now; though at the expense of some enlargement of our vocabulary. *Genteel* had the advantage of being common to both sexes. Since its disuse, we have been obliged to find a helpmate for *gentlemanlike*; and females, who if they lived thirty years ago, would have been *genteel*, are now altered, if not improved, to *lady-like*. §

To return then to a circle, which, if the title

\* This name will suit our sweep-opponent, whether we consider it as derived from *verro*, or admit him to be a bore.

† For some account of this worthy member of the Barton family, see Reginald Dalton, Vol. I. Book 11. Chap. VI.

‡ See (if it have not already become waste paper) The Apologetic Postscript, p. 53, Note.

§ The gentlemen, who introduced this change, seem to have been a little lady-like, themselves.

had not become extinct, would have been genteel ; your friend Declan must have fallen into some mistakes ; or he knows more of your secrets than are partaken of by me. I was surprised to find him state, and as on your own authority, that you were the acquaintance of Doctor Doyle. On looking into the page referred to, I merely found you asserting that you had never seen him. If from this it was inferred that there was an *epistolary intimacy* between you,—to such an inference I should have ventured to object; even though I had not known the fact to be, that your Tracts and Topics could not with truth make pretension to such ‘correspondence.’ Could note B \* have been what led your Reviewer to this conclusion ? I will not say that the communication to which that note adverts, did not proceed from a Dignitary of the Church. I will not say whether he who made it was *right*, or *very reverend*; or *venerable* only. But I know he was not Doctor Doyle; nor of Doctor Doyle’s religion. †

If all the information which Declan has given me were authoritative, I should have ground for complaining, either of my own slowness of apprehension, or of your reserve. I, who claim to be your *alter ego*, did not know that your last essay had been written in three weeks ; and still less was I

\* At the end of Tracts and Topics.

† See Note E at end.

aware that you had taken pains to inform us so. You have told Declan that you would recommend a tax on Absentees.\* You declared to me, in the hearing of hundreds, † that "you wished to re-concile yourself to the principle of such a tax; but had hitherto been unable to do so: though you thought, that to a premium on residence there would be no objection; if such a one could by any ingenuity be devised." You kept from me, your old acquaintance, what you are supposed to have imparted to your new one; that you were immersed—not in business, but in an overwhelmingly superabundant leisure.‡ I had not imagined this to be the case: though, in common with many others, you might occasionally have time; which you were foolish enough to lavish and throw away upon your pen. The real state of the matter you must have communicated to your critic; while you seem to have withheld it even from your confidant, J. K. L.; who represents you, not as immersed in leisure; but as "in want of time."§ The Author of the tract signed "a rational Christian,"|| indeed conceived you to be surfeiting on *dulce otium*; and Declan appears to be under a similar impression. Lastly, until Declan told me so,

\* Declan's preface, page 16.

† Could this have been in the Irish House of Commons?

‡ Declan's preface, page 6.

§ Defence page 65.

|| The signature to The Complete Exposure.

I never, knew (no tract of yours had announced it to me, \*) that *you* were engaged in reviewing the decisions of Lord Redesdale.

Surely Declan will somewhat relax the rule, which his preface may be construed to have laid down; † that if, in thinking aloud (or methinking upon paper) I repeat to myself a dialogue, actual or supposed, occurring between real or merely imaginary persons, the self-rehearsal which contains this scene at once ceases to be soliloquy; and to call it so becomes as *flaming* and violent a bull, as any of those which *Hannibal* let loose against *Cunctator*. ‡ Were I to accede to this doctrine, I must admit that the question, of soliloquy or not, will depend—not on whom you talk with; but whom or what you talk about. But *you* were talking to the Public; not to yourself.—“No:” (you will say;) “I was merely talking loud enough, through that speaking trumpet called the Press, for the Public to hear me, if they were so disposed. *Wolsey’s* continues to be a soliloquy, let it be uttered in the hearing of never so full a house.”

By the way, the title of *Cunctator*, (which I mentioned a sentence or two ago) is thought by some of your critics, to be very suitable to *you*; § and, *fatebor enim*, I am not sure that they are

\* See I. T. and T. page 79.      † Page 6.      ‡ *Livy*.

§ Observations, &c. p. 33 and *passim*: Declan, preface p. 7.

wrong. Your unprejudiced desire *audire alteram partem*, makes you sometimes take a more zig-zag and tacking course, than (pardon your friend Banter) the nature of the case requires. Your deliberativeness \* at times becomes so lingering, (or I grow so impatient,) that I long to clap you on the back, and cry, "my dear Barton, do—in the name of Decision and Brevity—let us get on; or our readers and we shall be in the dark, by the time we get to our journey's end; if we be destined ever to arrive there." † But what are these critics so angry with you for?—For not writing altogether *on behalf* of tithes? They would not be so intolerant as this. For not writing *against* them? Surely, with their sentiments, they cannot quarrel with you for this. For sometimes hesitating and doubting? May not this (in spite of what I have just been saying,) be rather the fault of your subject, than of yourself? It is not as easy to discuss logarithms, or construct intricate equations, as to discover and demonstrate that two and two make four. Or is their ire excited, by your having assumed to treat a matter, on which you as yet had formed no unqualified opinion? There may be some ground for this last kind of displeasure. But when others seem clear, upon what

\* I am determined there is, or shall be such a word.

† *Perge modo, et, qua te dicit via, dirige gressum.*

strikes you as being doubtful, may it not be useful to submit—and state the grounds for—hesitation? J. K. L. is peremptory upon one side: several of his alphabetic brethren are no less determined on the other: may you not shew, that against each opinion there is something to be said; and this, for the purpose of suggesting, that perhaps between them there lurk truths, from which both parties have been inadvertently digressing? \* If ever you shall hold the seals, it seems conceded, that the more *cunctatory* you are, the better. † That day, if not a happy one, would be a splendid one, friend Barton. To the “frugality,” which is now prescribed, and which for the present suits your means, both pecuniary and intellectual, you might then, without imprudence, bid a long adieu; for surely he who keeps the seals, is *Fortunatus*; and my nursery reading informs me that he will therefore hold the purse.

\* Εἰ γενι τι σαφὲς αὐτῶν ἔτι, εὐκ τοῦ ἀνθρώπων ἐριστος ἀνθρώπων ἐρισ.

LUCIAN.

† Preface, p. 7.—The following paragraph is copied from the Freeman’s Journal of the 5th of February, (1824).—“ The following piece of judicial pleasantry, of one noble and learned personage upon another, recently circulated in the hall of the Four Courts, Dublin. A barrister having cited a case “ decided” by Lord E — n, the Irish C, Lord M, drily observed, “ you will much oblige me, Mr. — , by citing any “ case decided by my Lord “ E — n.” ”

*London Paper.*

In the meantime, (a period of *mortal* length, \* if it mean *till you* become our Chancellor) there is found, with your production, an uncommon fault enough. It is objected to it, that it *is* pretty much what it *is called*. The title page informs your reader, that a selection of Irish Tracts and Topics will compose the *farrago* that is to follow. To this fare he was invited ; and might decline the invitation, if he would. The pretensions of the Roman Catholics, the missionary projects of Bishop Mant, the systems of public education, the late still-fine code, the sentiments of Doctor Doyle, the claims and questions touching tithe,—were these not Irish topics, and which are of interest at the present day ? The state of Ireland, the primary charge of Bishop Mant, the remarks on it by Athamik, the vindication of J. K. L, the answers which it received, the letters on Catholic questions, from Mr. Burke to Sir Hercules Langrish, and Sir William Smith,—what were these, I beg to know, but Irish Tracts ?

Ridicule sometimes is a test, by which falsehood may be exposed : but it is also sometimes a provocative, which encourages us to deride truth. For example; my friend E. B, though in reading “the case of the Church of Ireland,” you at first very nearly stopped at page 59, I know you after-

\* As French idiom might term it. *Irish idiom* might call it an interminable interval.

wards read the next twenty pages with much interest ; derived instruction from them, on curious matters,\* with which you had been previously unacquainted ; and relished them the more from your strongly rooted Monk barnish predilections. I know too that you abstracted their substance into your common place book ; inasmuch as having very little memory in your head, you find it necessary to possess a reserve † in your scrutoire, or in your pocket.—But the miscellaneous character of your investigations had been comically quizzed by their Reviewer.—Mr. Burke, Doctor Doyle, Bishop Mant, Lord Redesdale, Athamik, and Baron Smith ;

μαρμαρυγὸς θησεῖο — Γαύμαλος δὲ θυμῷ.

He seemed indeed to think of your paragraphs, as Gray did of a straggling town ; the houses of which looked to him as if they had been engaged in a country dance, and were out.‡ Now suppose that by way of retorting this imputation of *farrago*, you had levelled sarcasms at a discussion, which commences at page 60 of Declan's former letter ; and assuming the tone of Banter, had treated jestingly of an episode, in which Saint

c

\* And, I may add, important.

† This may be called, not a *corps*, but an *esprit de reserve*.

‡ The same idea is found in one of Pope's Letters.

Patrick and Archbishop Usher, Prosper, Celestine and Palladius, Bede, Columba, both the Cumians, Ledwich, the Cottonian Manuscript, the Martyrologies, the hymn of Fiech, and Antiphonary of Bangor—in which, I say, these various personages “enter, solemnly tripping,” \* for the purpose of informing the spectator, that he who objects to you (and perhaps not without reason) as an Academician, † is (*pro hac vice*) a member of your Academy himself; who doubts whether Ledwich and his opponents were not equally and all wrong : ‡—if you had done this, you would possibly have made your readers laugh; or at least given their ill-nature the enjoyment of a sneer: but you would have been deriding what is neither uninstructive, uninteresting, nor foreign from Declan’s subject: what you had yourself read with attention, and taken pains to guard against forgetting. In short you would have been jesting, not on behalf of, but at the expense of truth.

You seem censured, for having described “Mr. ‘as now Baron Smith.” One of your reasons

\* See Shakspeare, Henry VIII.

† Declan’s Preface, p. 8. 24.—E. B. does not mean to controvert the justice of criticisms, which on the contrary he considers as at least in some degree well founded; and by which accordingly he means and hopes to profit.

‡ Declan’s first letter, p. 62.

may have been, that you found him so described, in a note appended to the letter addressed to him, as it appears published in Burke's works. Even though this had not been so, yet Smith (with the Baron's leave) is no uncommon name; and thus it might not have been superfluous, to apprise the reader, to what individual of a sept so numerous, the letter, from which you were extracting, had been written. I have heard *Smith* called the first grand division of that term *Homo*, which the latin grammar informs us is "a common name "for all men." Independently too of these grounds for designation, the Baron seemed entitled to have it recorded, that he had the honour of receiving such a letter, from such a man. For having introduced and recurred to the document itself, your justification *saut e aux yeux*. It is remarkable that it is the *only portion* of that highly celebrated writer's works, which gives an opinion on the expediency of admitting Roman Catholics to seats in parliament. Again, those, with whom you were discussing some of the topics of your essay, had relied on the opinions of Mr. Burke; and thus enabled you to cite him, as one whose authority was undisputed.

I can truly say that it might, in you or me, be unwarrantable presumption, to claim acquaintance with Mr. Baron Smith: though without flattery I can add, that I wish him sincerely well; should be sorry he acted unworthily; and even feel a strong

interest in his reputation. Without knowing more of him than I do, it is impossible I should pronounce with confidence, whether he be, or be not a vain man. If he be, he probably will have wished that you had edged into your quotations, from the letter of Mr. Burke, certain parts which are more or less complimentary to himself. If however he have good taste, he will scarcely censure you for the omission.

But I have been so occupied with the qualities of Baron Smith's supposed "good name," that I seem to have forgotten the burlesque complexion of my own. What, in the name of appropriate nomenclature, has seriousness to do with *Banter*? As little as E. Barton had to do with tithes. *Allons l' Ami Persiffleur*, (this apostrophe is, like your last pamphlet, a soliloquy,) you will never again, I hope, resume those sober airs, which so little suit your style and title; but like the spirit of Adrian, *ut soles, dabis jocos.*

But would you then, or your Reviewers, allow me to put on motley, \* assume the cap and bells, and thus suitably arrayed and decked, attempt to rally some of those pages, which have made a joke of yours? If teased by grotesque anticks, this portion of their *forces* should be prevailed on to quit the field, it might give time for your weak-

\* Which, even if I did, should not be party-coloured.

nesses to rally,—in another meaning of that word. I scarcely indeed discern any so effectual means, as *bardinage*, for appeasing a laugh that has been raised at your expense ; and which, though it may have been fairly and moderately begun, has been echoed more à *gorge deployée*, than the case warranted or required.

But I know you would not permit me to skirmish for you. Your nerves do not shrink from a sharp encounter of the kind ; but you dislike engaging in a raillery, which might approach to altercation, and generate offence. *Soyons amis* is indeed a proposal, which your heart (if I know it) is even too prompt to make. But without indulging a placability, which Experience calls romantic, or pushing the *conciliatory* principle to excess, you may adopt the sentiment of *Aeneas*, (not *Hibernicus*,\* but *Troius*,) and express it in his words :

———— μὴ δέ μ' ἵπποις γε, τηλύταιον ἀσ  
"Ελπίο δειδίξεσθαι· ἵπποι σάφα οίδα καὶ αὐτὸς  
'Ημὲς περιομίας οἵδε αἴσυλα μαθήσασθαι. †

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\* Though the sentiments of the former too seem entitled to respect. Nor do I object to him for being a friend to Rome ; of which the Asiatic *Aeneas* was—will Declan let me say the *quasi* founder ? If Virgil's hero had been of Irish extraction, his matronymic, (or Patronymic) I presume would have been Mc. Aphrodite.

† Iliad. Lib. xx.

I hope that hereafter you may be what the children call ‘let alone.’ *I* perhaps shall be less spared. *Banter* may be thought, on the side of humour, to be akin to *Punch*; of which facetious personage Doctor Johnson once pronounced, that he “has no feelings.” In general it may be so: but the rule has (indeed where is the rule that has not?) its exceptions. I know one, who has feelings, and malignant ones; and who (worse again) affects to share the spite of others; from a wish to recommend himself, through their venom, to his patrons. For these acrimonies I have sometimes thought of making up a cure; and giving this not better half of Joan, the benefit of *its* administration. The *Punch* I speak of is one of the *Dramatis Personæ*, in a puppet-show which has been long exhibiting amongst us. He is still upon his legs; and to be seen there, or in a chair; not on a table, or like a *cul-de-jatte*, in a bowl. But to this latter less unpalatable, though name-sake composition, he may be compared for the purpose of being pronounced inferior to it. The fuss of his vapid warmth is mere hot water; his spirit is illicit, and with less of fire than smoke about it; his ill-flavoured (or ill-favoured) sweetness is molasses; and his acid is the crabbed sharpness of an at once sour and unsound orange.

But, while urging you to lay aside your pen, how perseveringly I cling to mine! Nevertheless take my advice, rather than follow my example.

Indeed if I find you refractory and author-like, and withholding your consent to settle quietly in Dumb-barton, I am resolved to appeal to your respectable publisher,—who I believe has a regard for you,—and to say to him, as emphatically and impressively as I can,—Milliken, my dear fellow, if you love me, mum !

And now all that remains, is for me to hope that none of your Reviewers may be induced to give, what, (appositely to the tithe-subject) might be called a Row--land for your Oliver,—to wit (or to absurdity,) \*

#### O. BANTER. \*

P.S. If you *will* write, pray accept and make use of the enclosed. It is unfinished; but you can add whatever is wanting to complete it; and will find it as good as if it had been composed by your scribbling self. I have caught your manner, and (*à force de battre la mesure*) your rhythm. You may think I have caricatured them. But who care for your opinion? *Vel duo, vel nemo.* What shall we call the fragment? *Bartonianum?* †

\* From the sentence just above, it might seem as if Oliver were the prænomen of Mr. Banter.

\* The papers alluded to in this postscript and in the following letters, or some of them, will perhaps be given, or extracted from, at the end.

## LETTER II.

TO E. BARTON.

What in the name of Laziness are you about? and why have you not answered Declan's preface before now? You ought to have been at press at least a month ago. Have done with your loitering; and set to work upon your answer. Until it is published, you know what you may expect from me: for while I briefly subscribe myself N. T. you are used to supply deficiencies, by pronouncing me

A. BORE.\*

*Reply, endorsed on the above billet, by E. B.*

I commend the candour and condescension of N. T, in frankly allowing himself to be called A Bore. Towards calming his impatience, I would

\* This may be one of the many forms, taken by that literary Proteus, to whom my motto makes allusion.

*Variæ eludent species atque ora :—*

*Fiet enim subito sus horridus.*

Of course the two last words mean *a shocking bore*. For the rest, whether the billet given above be the *ipsissimum* which E. B. received, is amongst these secrets which the Pamphletian Muse will not divulge. But assuredly E. B. did receive more than one stimulant communication, expostulatory, urgent, and (in substance,) of the import above given.

NOTE BY THE EDITOR.

refer him to an epistle of O. Banter, enjoining the very silence, which he on the contrary condemns. I would also direct his attention to Declan's preface to his second letter ; which seems to me to show, that the most becoming interruption of my silence might be my thanks.

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### LETTER III.

TO E. BARTON.

I enclose a brief syllabus of your treatise upon tithes.\* It may brace the too great laxity of your diffuse discussion ; and such a *tonic* comes appropriately from

Your attached

ABR. TONE.

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### LETTER IV.

TO THE SAME.

I have seen our friend *Tone's* letter, and the *tonic* which it contains. I too would fain do something, that may suit my friendship and my name ; and accordingly request your acceptance of some

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\* Rather of that portion of it, which has been animadverted on. This syllabus will be given ; less for the purpose of justifying, than of showing, what the tract contains.

memoranda on tithe-law, loosely made from time to time, and (as the French express it) *à baton rompu*, by

**BAR. NOTE,**

**LETTER V.**

**TO THE SAME,**

When Sir William Betham shall have made out your pedigree, (in which my name, in some way or other, must appear,) it will be seen that you are no connexion of the family of Bruen : neither that of the Major, which I admit to be a high one, (decorated with the splendour of stars and night-hood ; \*) nor yet the Bradwardine branch ; which is but a low (at least a low-land) house. † No : you do not quarter Bruen, nor Orsini, in your coat. On the contrary I allow your claim to be a Bearnott : a name which, while it openly repels the charge that I am refuting, covertly implies your unwillingness to endure the imputation.

Your noble kinsman,  
**BEARNOT.**

P. S. I cannot say much for your achievements : but you might like to know your arms. I take them to be *or* ; a *bar gules* : *in base, in a net sable, an annulet of the first*. As for supporters,

\* So spelled in the MS. by mistake, of course, for knighthood.

† Preface (page viii.) of Declan, ci-devant ; and before he yet had honoured E. Barton with his good will.

thought I may think you entitled to them, I nevertheless very much doubt your having any. Banter indeed contends that you bear Prester John on one side, and a Cardinal on the other; and infers that you hold the right protestant medium between both. But we all know how much of hoax there is in Banter. Your family crest is an olive branch. Whether you be descended from the Mowbrays I cannot exactly say. But I believe they sprung from the Bigots; and not a drop of this latter blood is circulating in your veins. From your not too intelligible motto (*A. Breton*) I am led to a conjecture that your family is of French extraction. *Quoiqu'il en soit*, this postscript has thrown a shield over you; and is therefore entitled to your thanks.

## LETTER VI.

COLLATINUS BRUTO, S.\*

You are partial to collations; † (perhaps I ought

\* Which may be translated *The Collator to the Bear*. The writer however will have perceived that another of E. B's correspondents insists that he is not a Bear; or (which comes to the same thing) that he is a *Bear-not*. If the case be otherwise, I know whom, or what, we shall have to celebrate. In the language of the poet, *Major—a canemus*. For, though I shall for—bear to state E. Barton's age, I may go the length of saying that he has ceased to be a *Minor*. Quere (by the way!) whether S stand for *sarcasm* or *salutem*?

† See apologetic postscript.

to say to cold ones:) accordingly I beg to supply you with a few; which I hope you, and all who partake of them, may relish and digest.

Without passages to collate, it is plain that there can be no collations: and where shall we look with more propriety for *a passage*, than in an idem sonans with the surname of

R. N. BOATE?

## LETTER VII.

TO E. BARTON.

I hear it said that *E. Barton* is a key to your real title. But may it not be a false key? May it not be a sportive semblance, or deception, fallen accidentally, or flung on purpose, in the curious reader's way, in order (in the latter case) that he may amuse you, by opening a door to wrong conjecture? The principle of such guesses might carry us too far. They might lead us to pronounce that the letter subscribed *Declan*, must be written by a gentleman of the name of *Candle*. Now there would be something rash (your friend *Banter* would say wick-ed) in so very light-headed a surmise. To pass from *Declan* to *Milner*, is to make a violent transition. But if a work be published under the latter name, are we to pronounce the author a Welch wizard, a portrait painter, or a sign dauber at the least? This would be to follow

the method of the Laputans ; who extracted the communication of a plot from “ our brother Tom “ has got the piles.” \* Consent to lend me but four letters, and I will return you the enormous profit of two words for each. I will engage to present you with a Caliph and an Epic Poet ; the midnight guest of Anacreon, and the Mistress of the world : you shall be sheltered by me ; and I will furnish you with arms ; nor will I come to my end or limit, until I have been a source to you of delay. Who knows then how much E. BARTON may produce, when so ample an undertaking can be so easily accomplished, by means of that shred of literature, the tetragrammaton which I have mentioned ? If readers were allowed to pervert the letters which compose E. Barton into means for detecting your supposed incognito, they might, without taking much greater liberties with the alphabet, and by a process not very dissimilar, demonstrate that while the Greeks were before Troy, *potatoes* usually made their appearance on the festive board ; and had the distinguished honour of being fed on by Achilles. † But if I say

\* Voyage to Laputa, chap. vi.

† οὐρανοῦ Ἀχιλλεὺς  
Ες δὲ χωρὶς ἐλῶν, κατὰ δὲ ἑδρίσασθαι ἄπογε  
Ζεύντα τὸν παρέδηκεν, ὅτε ζεύνοις θύμις ἦτοι.  
Αὐτὰρ ἵστη τάρπημα ἴδητυος ἡδὲ ποτῆτος, &c.

Iliad Lib. xi. v. 776. &c.

What course of husbandry was pursued by the hospitable hero, does not appear. But probably his Myrmidons and his Pota-

much more, you will be inquiring what I would be at ; and I do not relish questions which I have not the means of answering. As it is, you will be apt to think me as mere a gossip, as, in the preface to Tracts and Topics, you admit yourself to be : and I confess you would not be without excuse, though on the strength (or rather weakness) of what you have just been reading, you should pronounce me to be old-womanish ; and at least

A. GRANAM.

### LETTER VIII.

*Billet d' un Inconnu ;  
à Je ne sais qui ; sur Je ne sais quoi.*

Je suis parent de celle qui vient de vous adresser. Qu' elle m' ait produit, ou que moi je l' aie produite,—qu' importe ? La liaison subsiste toujours. Allons !—certain mystere, qui regarde certaine brochure, veut se faire penetrer par un petit nombre de lecteurs ; en se derobant pourtant modestement de la foule. Bon ! Mais qui est il donc, l' auteur modeste et mysterieux ?—La brochure est sur la table : ouvrez la : peut être que vous verrez son nom au commencement.—Mais

toes were both reared in drills ; and he may have committed the care of the latter, as well as of the former, to Pat Roclus.

O. B.

non : elle est anonyme.—Pardon, mon cher lecteur ; elle n' est pas anonyme.—Au moins je ne vois pas le nom dont vous me parlez.—Mais vous ne devriez pas abandonner sitot la recherche. “Tel brille au second, qui s' *eclipse* au premier.” Tournez donc les feuilles, comme a fait jadis certain Roi, vis à vis la tête de feu son medecin. \*— Vous avez raison : je le vois.—Pour le coup vous vous trompez : ce que vous trouvez là n' est pas le nom. Allons ! combien y a t il de devises ?—Trois.—D' accord ; et en autant de langues. But I write en Francois, et peut être you not understand. C'est dommage ; for my Inglis not understandable, non plus. Well ! 'tis better I come at my conclusion ; in saying I am not your odd friend *Banter* ; quoi-qu', in my initials, dere go no letter before.

O. B. †

#### REONSE.

Qui êtes vous, l' Inconnu ? L' \_\_\_\_\_?

Au moins il n' est pas le mien, à ce \_\_\_\_\_.

Mais qu' êtes vous donc vous mene ? Je \_\_\_\_\_.

Un honnête homme, un peu maltraite ? \_\_\_\_\_.

Mais ou demeurez vous ?—Le dirai je ? \_\_\_\_\_ !

Là, dans un \_\_\_\_\_ ; avec \_\_\_\_\_,

\* *Douan*, Voyez les mille et une nuits.

† Notwithstanding what this writer has just stated, I suspect he is *bantering*, when he gives O. B. as his initials, or as amongst them. Writing inadvertently on what appears to have served as an envelope, he overlooked a direction in pencilling,

## BARTONIANA. \*

(See Postscript of O. Banter.)

In frusta secant.

VIRGIL.

Declan's preface to his first letter may supply grounds for re-considering the views which I had taken of tithe; but affords none for retracting my expressions of consideration towards himself: † In some of its pages indeed, an asperity and sarcasm may be found, which *I* at least must wish away: but even in these the *amari aliquid* is occasionally assuaged; and would probably have been still more diluted, but for an error, into which others beside Declan have also fallen. ‡ His severity

which I have found upon it. *Henri Char : La Bragome.* Be this,—or be it not—his name, I must decline the honour of his correspondence. I learn from the Memoirs of Captain Rock, page 91, that if a letter written in the French language were found upon me, the consequences might prove unpleasant; and a certain endorsement be put—not on the Bill—*et*, but the Bearer.

E. B.

\* Though not partial to pluralities, I change the title of my friend Banter's enclosure, from *Bartonianum* to *Bartoniana*. It is not a single fragment; but a collection of them.

E. B. to Editor.

† I. T. and T. p. 1. 68. 80. 92. 108. 109. 115. 116. 127.  
144.

‡ Declan's preface, p. viii. and xi. And see note F. at end.

mainly turns on—or has its source in this mistake ; and if the supposition, instead of being erroneous, had been correct, I should have merited, by my disingenuousness, whatever sharpness I have incurred. I happen to know too, that my meaning—in at least one passage—was misconceived ; \* and that I was supposed to throw an imputation, which I never thought of casting. Inaccuracy of expression may, in other instances, have produced similar misconception ; and exposed me to a retort, *seemingly*—though not really—provoked. My railing too, though confined to the arguments which I was discussing, and (I flatter myself) not of pert or arrogant extraction, may yet have assumed, at times, too petulant an air. Again, I, in my turn, may have misconstrued. For example, I may have interpreted Declan as treating of the present state of the Roman Catholic Religion ; when in truth he was describing its condition three centuries ago. I understand indeed that I have fallen into this mistake. † But was it not a pardonable one ? Does not Declan dwell—and war-

\* I. T. and T. p. 93. towards the end. My mode of expression may have been clumsy ; but the “meaning,” which I “blundered round about” was not to intimate that impudence was imputable to Declan ; but that even if J. K. L. had been (as he was said to have been) impudent, his fault could not be considered to have gone unpunished.

† A letter from a highly respectable quarter informs me so.

rantably dwell—on the *semper eadem* character of that religion? \* Does he not impliedly contrast, with a sectarian “Cynthia of the minute,” the immutability of doctrines, which their harmonious advocate has called “immortal and unchangeable?” But though my error may have been excusable, it was one. I admit that at least the *practice* of the Roman Catholic Church may be so susceptible of improvement, as to have latterly shaken off abuses which hung about it in the days of Wolsey; and that the censure which it might have provoked in one age, would be unmerited in another. I make the admission with the more pleasure, because while I canot doubt (for I am a Christian) † that the period must arrive, when there will be one fold, under one shepherd; I feel that a consummation, which is so devoutly to be wished, must be far distant, so long as the flocks that are to be thus united, eye each other as if they were not sheep, but wolves. Lastly, may I not have done my respectable opponent ‡ a sort of injustice, which I suspect to be of not unusual occurrence? By collecting (while I quoted) scattered sentences together, may I not have given an import to the whole, which its parts,

\* First letter, page 4 and 5.

† In belief and theory I mean. In life and practice, who (God help us!) is so?

‡ I hope I may add, to this term opponent, ci-devant.

if not dissevered from their respective contexts, would not have had? My object, it is true, was a widely different, and not uncandid one. I merely aimed at condensation. But by treating the pages of Declan in this way, I may have changed the pattern, and quite altered the effect, of their mosaic.

\* \* \* \* \*

To impute to Declan, that he has described the Established Church as a “Cynthia of the minute,” is strangely to misapprehend what he has said. He was speaking of Protestant sectarianism; not of Protestantism itself. If I presumed to submit any thing to his consideration, upon this part of his subject, it would be, *first* a doubt whether the opinions, which he is noticing, be not less evanescent than he thinks them; *secondly* whether, if they were as flitting as he supposes, they would be the less mischievous on this account; and *thirdly* whether a comparison of their unstable character, with the more invariable one of the Church of Rome, might not conduct to results so far favourable to her tenets, as compared with theirs.

In some of the irregular religious opinions of the present day, I have traced, and traced with pain, what struck me as an hereditary likeness, which connected them with the Puritans of two centuries ago; and gave this degree of permanence to

the core of their opinions. At all events, very nearly a century has elapsed, since, under Whitefield and Wesley, the sect of Methodists arose : and not only does the Methodistical doctrine still subsist; but its two varieties in a great degree retain the distinctive characters, originally impressed on them by the founders whom I have named. Again, the Calvinistic doctrines of Methodism, in one of these two branches, assert for it a still earlier origin, and proportionable duration. Calvin, I believe, was born in the year of Henry the Eighth's accession.\*

Even if sectarian opinions were more transitory than perhaps they are, yet if each Ephemera had a successor,—if every minute was provided with its Cynthia,—the sum total of mischief might be the same. It may be added, that in general that is numerous, which is short lived; and again, perhaps the languid tameness of an old and sated swarm might be more tolerable, than the freshness and appetite of one newly raised.

Lastly, as inconstancy appears as appropriate to falsehood, as immutability may be thought to be appurtenant to truth,† it can be no recommen-

\* The religion of those, whom we call Quakers, is also nearly two centuries old.

† But, as a member of the Established Church, I may observe, that error will not become truth, by inflexibly refusing

dation of opinions, that they are so whimsically transient, as that we can with difficulty "catch" them "ere they change"; and may best represent them, by an allusion to the Poet's personification of Caprice.

The above observations are less at variance with the paragraph in Declan's letter, which has produced them, than arising out of topics, to which that paragraph directs the mind. I agree with his positions, (and they are pertinent to his purpose,) in the main. I merely seek, after my fashion, to attach to them a few subordinate and qualifying doubts. He knows my propensities by this time; and will make allowance for them. Independently of his own observation, he has learned, from others, how much I "love to wander in the twilight of dubiety." \*

\* \* \* \* \*

I had observed, that a Laic does not hold the income which his land produces, *quamdiu* he performs, and is competent to discharge, certain public duties; nor is consequently liable to be

to be changed; nor truth become otherwise altered, than by being purified and refined, when it rids itself of errors, which had been suffered to mingle with, or encrust it.

\* Observations occasioned by the letter of J. K. L. second edition, p. xxxvi,

deprived of this income, for a non feasance, which yet may be rendering him a very useless member of that society, on which, in the language of Doctor Johnson, "he hangs loose." This situation I compared with that of the Ecclesiastic ; who may incur a deprivation of his income, by becoming unfit for the performance of his public duties. I have every disposition to yield to reason : and the arms of reason—Declan uses powerfully and well. But I am not quite satisfied that he has shewn the nothingness of my distinction. A Court of Justice may unquestionably fine a layman ; and in so far act upon his property ; and make a portion of it forfeitable, for the neglect of a public duty expressly imposed by law. But the operation of this authority of Courts of Justice is not confined to the Laic : it extends itself to the Clerk : \* while superadded to a responsibility, which may end in mulct, and which he shares equally with the layman,—there seems to attach upon the income of the Ecclesiastic, a liability which appends this income to the performance of his public duties ; in a way, or at the least in a degree, peculiar to church property, and which does not extend to lay. I am not however contending for the value of this distinction. Perhaps it ought not to have been insisted on at all. At least the arguments which

\* Where he neglects a duty cast on him by the law ; or incurs a fine by misdemeanour. See Declan's preface, p. xii.

it furnishes (if it furnish any) ought to be pursued slowly, and with caution ; least in following them too far, we might lose sight of established principles of law. Indeed in this speculative course I could not proceed far, without being very seriously interrupted by encountering the case of *Impropriations* : and instead of eliciting arguments from the name,\* or considering the Propriator's sinecure case as excepted from a general rule,—I should probably determine that it was much my best plan to return. Be this however *as it may*, and let the reasonableness of my suggestion have been *what it may*, I never denied that church property had an extremely close affinity to private. I merely doubted, as to the income of the Parson, whether there was not a mixture of *public* in its nature, which also gave it some, although a less resemblance, to—say the salary which is paid a Chancellor, for the performance of his high duties. At least whether this was not the case of clerical income originally, and in its rudimental state ; before the influence of ripening usage, time, and law, had yet matured it to a more simply and perhaps unmixedly private nature. But Declan will perhaps remind me, that we are discussing—not a question of remote antiquity ; but of modern right : that our inquiry is not into what *was formerly* ; but into what *is now*.

\* To appropriate (say the Dictionaries, and on the authority of Bacon,) is to convert to *private* use.

Declan is right. The past may be investigated, in order to throw light upon the present. If we can lessen or remove our doubts, as to how a matter stands at present, by ascertaining how it stood many centuries ago, it will be useful to retrograde. But if we be surrounded by no darkness, that has need of illustration, we may leave to the antiquary, to extract and pore upon the precious reliques of the olden time.

\* \* \* \* \*

Around the subject of church property there seems to me to be an obscurity, which occasionally casts a shadow upon the paragraphs that attempt to treat it; and renders it difficult for a writer to express himself with consistency and clearness. In proof of this, I might perhaps quote Declan. I certainly might quote myself: I plead not guilty to the charge of “chuckling.”\* It is an unseemly sort of convulsion, into which I am not apt to fall: but I doubt whether I have not smiled, where it would have been difficult to point out the joke; and impossible to shew that Declan had made himself a fit subject for derision.

The following burlesque scene may serve to illustrate this. I should not give it, but for what will be its palinodial sequel. Meanwhile, as it is

\* Preface. p. xx.

in the sportive tone of *Banter*, he shall be the narrator; and address it

*To E. Barton.*

"The parson does not claim tithes as hereditary;" observes Declan.\* "Then you must not," cries flippant Banter, "call him his predecessor's heir." "The parson," continues Declan, "never dies." "Right;" replies the Law. "He is heir to his predecessor;" repeats the former. "*Nemo est haeres viventis*," objects the latter. "You forget," says Declan, "the two-fold character of a parson. At one time I speak of the corporate parson; at another of the natural: so that Banter need not chuckle; nor ought you, my Lady Themis, to demur. Substitute *King* for *Parson*, and you will see how the matter stands." Here pert Banter exclaims again, "I perceive, *per accidens*, that *conversio simplex* will not suit the case. The King's heir † may be his successor; but we cannot therefore say that the Parson's successor is his

\* Preface, p. xx.

† Or rather the King's Protestant heir;—which favours Declan's reasoning, page 32.—Indeed the whole of what he says, when fairly and without cavil taken together, leaves E. B.'s "archness," in Tracts and Topics, little better than a—not quarrel, but—raillery about words. For the rest, if Declan would but indulge this writer with a QUASI, it might often turn out as successful a peacemaker as Ir.

heir." "The King," (rejoins me Law) "is a Corporation ; and never dies. The person who, if the realm were a private inheritance, would be his heir, and as such take it, on his death,—on the contrary, in the case before us, assumes the crown on *its demise*, and as successor; and not, in legal contemplation, on the death of that royal corporate being who never dies. Suppose the monarchy to be elective, while this principle and royal attribute of perpetuity remained. Would the monarch's successor be his heir ? Now the successor parson is elected (or if you please selected) by him in whom the right of advowson is ; and of the once still more elective nature of the Episcopal Dignity, we still trace the form and vestiges, in the *cong<sup>e</sup> d'elire.*" Here E. Barton seemed, to my mind's ear, to put in his word. But that word being "*quasi*," Declan stopped him, with "friend Barton, you must not ride off upon a *quasi*." "I do not mean it," replied Barton. "It is no horse-plea," muttered I. "For example," said Dame Law :—but before she could proceed further, Declan interrupted us very fairly and forcibly, as follows.—"Three to one are fearful odds. Let me be allowed to *pray in aid*. Let two Counsel be assigned me. Assuredly Law ought not to countenance oppression ; nor, though she be called *Astraea*, to show partiality to The Bear. In terming the new Incumbent his predecessor's heir, what more have I done, in substance, than represent tithe as an inheritance? And for doing so,

have I not the express authority of Lord Coke?\* In asserting that the parson never dies, what have I done, but invest him with a corporate character? And do we not know from Blackstone, amongst others, that every Parson is a Corporation?† Thus all that I have said, and for which I have been so joked, seems to resolve itself into two positions; neither one nor the other of which, any lawyer will deny. If Law give an *inheritance* to him who is not *heir*,—or, in corporate cases, infringe its maxim of *nemo viventis hæres*,—I beg to ask is this any fault of mine? If I forget that he whose obsequies I attended, is in his ecclesiastical capacity still alive, and that he who has become seised of his *hereditaments* is not his *heir*;—but, like the great priest Lama, is at once another and the immortal same,—am I unpardonably dull? Or again, must I express seemingly inconsistent realities, in critically consistent terms? If so, *nemo viventis hæres* is not the only of its axioms, which the Law appears to violate. *Lex neminem cogit ad impossibilia* it seems equally to disregard. Then as to tithe being a tax, (I know that E. Barton does not say it is; but may not some of his

\* 11th Reports, 13 b.

† Blackst. Comm. Book, 1: ch. 18.—Thus Coke and Blackstone appear to be the Counsel, whom Declan claimed to have assigned him. E. Barton would be sorry to find himself on the other side.

dubieties tend unwittingly that way?) as to tithe, I say, being a tax, let me put the question, which S. N. has more than once proposed;\* and to which there is no objection, except that the argument which it involves cannot be answered;— let me ask, *are the inappropriate tithes a tax?*” By this time the strength of Declan’s vindication had made impression; and the cries of “*hear! hear!*” (in which I doubt whether Coke and Blackstone did not join) became so thick and noisy, that I could *not hear* another word; and when the cheering had subsided, it was Law that was upon her legs. When once she takes a question up, you know she is never in haste to lay it down; nor liable to be put out of her way by interruptions. Accordingly she resumed the very words, with which she had been beginning, when Declan stopped her. “For example,” said the Dame, (in support of E. Barton’s *quasis*,) “in nothing but an inheritance can there be an estate-tail. But in a mere freehold there may be a *quasi* estate-tail; which, blending the nature and qualities of inheritance and freehold, is governed by a class of rules, which adapt themselves to its mixed nature. In somewhat the same manner, E. Barton hazarded a conjecture, (he certainly ought not to have gone farther: quære, ought he to have gone so far?) that there was a mixture of public and private in

\* *Miscellaneous Observations*, p. 46, and elsewhere.

the rudimental character of tithe, which might subject it to a correspondently compound class of rules." The Lady Blackletter, or Coifly, (whatever be her style) said a good deal more, that it might not be in the line of Banter to repeat. But she seemed disposed to give every succour in her power to E. Barton; (who, to say truth, appears to me to have bewildered himself more or less; and wanted a clue to extricate him from his self-constructed maze:)—and accordingly I have a drowsy notion, that amongst her not too brief prosings there were these, by way of apology for the doubts and *semibles* of her protégé. "The estate of every parson is a fee: for the interest is to endure for *his* time; and, corporately and constitutionally, *he* must last for ever. Accordingly, so long as the Church is void, this fee is in abeyance. Yet since the thirteenth of Elizabeth, his dominion more resembles that of tenant for life, with a leasing power. I do not rest upon this statute, as interfering by a public act, with property which is described as private;—because I feel as if it interposed, on behalf of the *quasi* inheritance, against the *quasi* tenant for life;—considering that the Incumbent, while he was seised in fee as to all others, was but tenant for life towards the Church. I rather dwell on the act of Elizabeth, as it establishes in the parson an anomalous estate, (which however can perhaps be accounted for in the same way,) differing widely from that which a lay tenant in fee would have. This latter may carve

and limit,—charge, waste, and give or sell ; nay, may choose (with Declan's leave I say it) *his own heirs* ;\* for he may transfer his estate, at his death, to a *hæres factus*, or Devisee. But though I should succeed in establishing a distinction between property ecclesiastical and lay, I admit (*and make the admission gladly,*) that I should not thereby show the former to be less inviolable than the latter. Nay, though I should demonstrate the spirit of that distinction to be this ; that lay property is of a more strictly unqualified private nature,—yet Declan's suggestion is at once pertinent and true, that the epithet *public*, as applied to property, is of ambiguous import ;† and thus, having shown church property to be public in one meaning of the word, E. Barton may inadvertently, (for I believe him to be honest,) construct conclusions, (or give seeming grounds for others to construct them on,) which will not be supported, unless church property be public, in a sense in which he has not shown us that it is. I return from the digressive admission which I have been making, to terminate this branch of my subject by observing, that of a character so anomalous is the fee simple of a Corporation, that a reversion is expectant on it : the single instance, where, after a grant in fee simple absolute, any unparted with

\* Declan's Preface, p. xvi.

† Ibid. p. xvii.

residuum is to be found.\* I lay no more stress (yet perhaps I might) on that legislative interference, which, in the reign of Edward the Sixth, exempted barren lands (brought into cultivation) for seven years from tithe, then I have laid upon the act of Elizabeth just now referred to. Neither do I wish to insist too much on what I am about to add : that in the tenth century, the consecration of tithes was arbitrary. Every man paid them to what church or parish he thought fit ;† or into the hands of the Bishop, for the use of the Clergy and pious purposes. Parish tithes were at first distributed in a four-fold division : first for the use of the Bishop ; secondly for maintaining the fabric of the Church ; thirdly for the poor ; and fourthly for the Incumbent. When the Bishops were otherwise amply endowed, this division became three-fold only.‡ With regard to impropriations, the point seems deserving of the most serious consideration ; and accordingly *curia advisari vult*. In allowing to the suggestion the weight which I am disposed to give, I assume that these impropriations did not conflict with principle ; since if they did, I might scruple to build an argument upon them ; (though *quod fieri non debuit, tamen*

\* Blackst. Comm. Book, 2 ch. 15.

† But with a proviso (it is to be admitted) that in some quarter they should be paid.

‡ Blackst. Comm. Introd. § 4. and Book 1. ch. 11.

*factum valet*;) and I also decline searching critically, with a view to inference, into the meaning of the term impropriation ; and wave all notion of this being a kind of possession, excepted out of the general rule ; and all argumentative benefit from the maxim, that wherever the performance of a *condition subsequent* is impossible, the estate, already vested, becomes absolute in the grantee ; say a Laic, who of course cannot perform the duties of a Clerk. Now :”—

The above word “*now*” was the last which reached my waking ear. After having for some time nodded encouragement, (can the reader be surprised?) to the soft advances of the sleepy Power, I now surrendered myself to all his poppies ; and was voluntarily overcome. In my dreams, I fancied that Declan was a parson ; and that you were setting out the tithe of your farm of Urbally, entirely to his satisfaction : insomuch that I could not forbear observing that you were not of the family of *Rock-Barton* ; and laughed so vehemently at my own jest, that I suddenly awoke.

No doubt, your black-letter Patroness, in excuse for your guess-work theories, and academic doubts, meant to point to the public purposes, to which tithe, in the tenth century, was in part applied ; and to suggest, that, so far from belonging to any private individual, this property apper-

tained to a personified abstraction ; to an owner which devout imagination bodies forth ; and which, if any thing be public, is so ; the National Established Church. But my good E. B., as your soliloquy is a collection rather of questions than assertions, I do not run foul of your opinions, (any more than I do violence to your inclinations, which I know are favourable to the Church,) by asking you first, whether every man was not bound to pay tithe somewhere ? Secondly, whether the question is not rather whose property it *was not*, than whose it *was* ? And thirdly, whether it could be the property of him who owed it to some other ? or of him on whom this charge descended, along with the estate which it encumbered ? You may point to the doubts, and they are not a few, which our subject-matter yields, for the purpose of recommending a not too confident or rigorous,—but, on the contrary, a moderate and cautious course. But you must not so oscillate and uncertainize yourself and me, that we shall not venture to take up an opinion, or pursue a steady course. You must not enable your detractors to insinuate, that you bear a stronger resemblance to Waverly than to Sir W. S.\* In short I have nearly made up my mind to quit (and bring you with me) your

\* Banter seems to have adopted the prevalent opinion, as to who the author of Waverly is ; though he does not venture to proceed beyond initials.

labyrinth for good ; and to travel with Declan, and under the auspices of S. N., the safe, old, beaten, and established high-church road. They look merely to the law ; while you attempt to pry behind it. They read their rights, in the words and sentences, in which Common and Statute Law record them ; while you are for going back to the Saxon alphabet ; and studying them there. I will not attempt (for I know the endeavour would be vain) to prevent your sympathising with the destitute and suffering peasant ; or feeling for the situation of Roman Catholic tithe-payers of the humbler class. But you will recollect, that you must not draw upon your feelings, for your law. Again, the beauties of a theory which generates oppressive practice, I allow you to disregard ; and fair, handsome, and authentic as that theory may be, to sacrifice it, if it be a mischief ; if the sacrifice will produce redress ; and in doing so, not involve a greater evil than it cures. But waving, for the present, the first and third of these considerations, has not S. N. suggested much, that is highly pertinent to the second ? Assuming the State to have a right to do that which you have not recommended,—viz. to abolish tithe,—has he not raised an inquiry, well worth prosecuting with deep attention,—whether, in doing so, we might not be spoiling the innocent and unoffending, not for the benefit of those oppressed, whom we designed to succour,—but for the profit of those with whom the oppression had

begun, and by whom it would be likely to be continued, if not increased? I do not say what might be the issue of such an investigation. The pages of S. N. anticipate results different from those which your Soliloquy might seem to promise. But I do say, that an answer to this inquiry should be had, before tithe property was made a subject of encroachment, even (for argument) assuming that it is at the disposal of the State.

\* \* \* \* \*

E. Barton now retakes, or seems\* to retake the pen, which has been wielded for a good many pages by O. Banter; who, in the last paragraph, appeared forgetful of his character and name.

Declan has rebuked me,† for supposing him quite serious, in describing tithe as an encouragement to tillage;‡ adding that he had “treated the matter with sufficient levity,” to guard me against this mistake. On a reperusal, I am disposed to admit this to have been the case; but yet cannot consider my error as having been other than a natural and venial one; into which I should not be surprised if others, beside myself, had fallen. Amongst Declan’s own words are the following:

\* See Postscript to O. Banter’s Letter.

† Preface, page xx.

‡ Case of the Church, p. 56, 57, 59.

“ What harm if the Crown, for the improvement of agriculture, should confer the tithes on some few hundreds of middling gentry? Yes, my Lord; for the encouragement of agriculture: I say so, upon the authority of J. K. L. himself.” I do now perceive in this, and in what follows after, that air of levity to which the writer has adverted; but to which I was the more blind, because I had interpreted S. N. as seriously adopting the same view;\* and found the Munster Farmer, (who writes and reasons well,) unquestionably, and without jest or raillery, doing so. His words are these: “ considering the circumstances of the country, I am rather disposed to regret that tithes are not a sufficiently powerful check upon our agriculture, than happy to admit *what I believe to be the truth; that they have been in many cases an encouragement.*”† As an imperfect apology for supposing S. N. to have adopted the same view, I would refer to pages 18, 19, and 20 of his ‘ *Inquiry.*’ But what seems more to my present purpose, is to observe, that this last mentioned able writer appears to have understood Declan pretty much as I did. His words are these: “ J. K. L. indeed contends, that, under peculiar circumstances, tithes did operate as an encouragement to agriculture; and Declan employs that theory

\* But see *Miscellaneous Observations*, page 31.

† *Thoughts on Tithes*, page 13.

" to support his own argument : but I have wished  
 " to limit myself to the maintenance of a few po-  
 " sitions essential to the defence of my cause, &c.  
 " &c."\* These are my excuses for the error into  
 which I fell ; and Declan, I am satisfied, will take  
 them in good part.

\* \* \* \* \*

I had, in page 90 of my Soliloquy, observed that  
 " the allegation, that the right of the Established  
 " Church to tithe has nothing public in its com-  
 " plexion, but is of a mere and purely private na-  
 " ture, if pushed to the extreme of inference which  
 " it supplies, might be found to demonstrate this ;  
 " that the title of our clergy to take tithe could  
 " remain unaltered and unalterable, though the  
 " inhabitants of this country were Roman Catholic  
 " to a man." Declan asks does this require a  
 serious answer ?† Every man is apt to be partial  
 to his own reasoning ; and this partiality may be  
 what stands in the way of my perceiving the jus-  
 tice of that censure, which involves itself in the  
 above inquiry ; a censure which I should the more  
 regret my having provoked, because I respect the  
 intellect from which it comes. I conceived my-  
 self to be merely and allowably wielding the wea-  
 pon which is termed *argumentum ad absurdum*.

\* Miscellaneous Observations, &c. by S. N., p. 31.

† Preface, p. xix.

The doctrine which I was discussing, and somewhat questioning, rather than confidently rejecting, would be clearly objectionable, if it proved too much ; and I was searching to discover whether this was indeed the case. I should servethe cause of the Church, by removing their claims from a weaker, to a more solid and firm foundation. To return to my reasoning ; I but pursue a course of which Horace set me the example. *Demo unum* ; *demo item unum* ; and arrive at the conclusion, that after all the Protestants had thus been one by one purloined, the argument which I am examining would remain ; *quod esset absurdum*. Again, my reasoning (as appeared to me) suggested this : that what would be highly absurd, if the entire of the protestant community had disappeared,—might be in a less degree objectionable, if of the population of Ireland, those of our religion formed a *very* small proportion.—But Declan observes, that my proposition (of protestant shepherds, without any flock) “ cannot even be enuntiated without a bull.” Assume this to be the case : can that which may not be stated without a blunder, be at the same time right and reasonable in fact ? Can any thing approaching to it be so ? But after all, a church by being empty does not perhaps cease to be a church ; though if it be never more to hold a congregation, it may not be necessary to expend money on its repairs.

But Declan observes, that my hypothetic case is

an extreme one ; and quotes what I have said of cases of this description. I am happy to think with him, that the case put *is* an extreme one ; and improbable in the same degree : a degree, in which the improbable and the morally impossible unite. Neither do I retract what I have said of extreme cases. I would not put an extreme case in order to reason from it myself ; but I *would* put one, in order to show that a certain argument, which I was questioning, might prove it ; and to infer that such an argument was therefore naught, and proved too much. Let me close by saying, that I am not insisting on the soundness of the opinions which my soliloquy contains : I am but offering apologies for the arguments to which I resorted in their support. That soliloquy, indeed, contains little that can be called opinion. It is a collection of doubts and questions ; and I believe Declan may be right, when he considers it as *Academic* to a fault.

\* \* \* \* \*

As *I* appear to have, in at least one instance, misapprehended Declan, so he in his turn has fallen into a mistake, in conceiving me to have proposed, that the income of the clergy should be in part made up by voluntary contribution.\* In the page from which he quotes,† he will find me re-

\* Preface, p. xi.

† Page 151 of Tracts and Topics ; of which see also p. 14.

quiring for this body, "affluence, security, and *independence*," as *sine quibus non*. It would therefore be what at college I should have called *a good one*, to suppose that I meant this *independence* to *depend*, not even upon the duties, but upon the spontaneous generosity, nay almost upon the caprice of individuals. My meaning may not have been eminently well expressed; but I hope is not too clumsily conveyed to be understood. It was this; that if Church property *was* less private, it certainly was more sacred, than the country gentleman's estate; and thus that whatever might be lost upon the one side, of that inviolability which is derived from the utterly private nature of a possession, would be made up by its ecclesiastical character on the other; and by the religious veneration which this sacred character inspires.\* In rescuing my meaning from misconception, I again however beg not to be understood as obstinately stickling for the rectitude of my opinions. These I intended to submit respectfully to the consideration of others; who, both from intellect and opportunity, were more competent than I could claim to be, to form a correct judgment on the matters in discussion. With this feeling of deference, I should under any circumstances have submitted my ideas: but especially I did so, *first* from being conscious that they were conversant with a cause, which it might be presumptuous in

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‡ See last paragraph of page 151 in Irish Tracts and Topics.

me to touch; but which, beyond all question, I should not wish to injure; and *secondly* because much of what I laid before the Public consisted rather of floating notion, than of fixed opinion. Be it the better or the worse for this, my soliloquy, *plurima volvens*, abounds considerably more in doubt and query, than in averment. It is a tissue rather of premises, than of conclusions: the imperfect statement of both sides of an account; which leaves the reader to add items, and to strike a balance. But was I wrong, it may be asked, in presenting to the Public a collection of thoughts so uncertain and immature? Perhaps I was. But yet have I produced no good? Is that Public indebted in no degree to me, for the "Miscellaneous Observations" lately published by S. N.?—A work which it is not for E. Barton to eulogize; its excellence is blended with so much kindness to himself.

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To the Author of *Thoughts on Tithes* my best acknowledgments are due; and the debt is one which I must feel pleasure in discharging. If he have not treated me according to my deserts, it is only because he has pushed his courtesies beyond them. He seems to have attended less to the merits of the work, than to the motives of the writer; and to have regulated his carriage towards me by this latter view. In giving me credit for

fair intention, I hope he has but done me justice ; but his remuneration for this uprightness has been liberal, if not lavish. Yet I sincerely think that the cause of truth, as well as of benevolence, is promoted by such a tone. This author's courtesy has rendered me incompetent to praise. But I may find fault. Accordingly I do not hesitate to say that his pages are too few : a censure which I the less fear to cast, because assuredly it cannot be retorted. Be the defects of the *Soliloquy* what they may, it scarcely will be contended that the number of its pages is deficient.

And now, with a *prima dicte mihi, summa dicende camæna*, will *Declan* allow me to return to him again ? I do so, from a wish to repeat, and make addition to my thanks. If over his *first* preface “an air of asperity” to adopt his own expressions, “was diffused,” yet that asperity was tempered, and was *seemingly* provoked ; and was not, with his impressions, undeserved :—and even assuming this not to have been the case, what abundant compensation has his second letter made ! The roughness of the first preface but whetted my relish for the kindness of the last. Let me advert to the courteous questions, with which this preface closes. “Why do I not leave lower objects to the ambition of others ?” There is in fact no reason why I should not. Nor was it ambition that lately covered so many pages with my ink. I wrote for my amusement ; and if my

health and sight had both been firmer, than during this scribbling fit they were, instead of writing, I should have been reading, which I like much better ; or else employed, if not as a Munster, yet as a *Leinster* Farmer, in first supplying, and then satisfying my rector's claim to tithe. But again, why do I not "aspire at once to the highest honours in the literary commonwealth?" The question is a kind one ; and rendered highly gratifying by the quarter from which it comes. But it greatly over-rates my powers. Doubting whether I am *cupidus*, my answer to it is, that at all events *vires deficiunt*, if I be. The Biographer of Captain Rock forms a juster estimate of my pretensions, when he confines me to the hope that my reputation may live as long, as—not the fame but—the grief of Arbuthnot endured.\*

### *End of Bartoniana.*

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\* *Poor Pope will grieve a month,*" &c. If in Irish Tracts and Topics I had gone *positively* too far, at least a comparison of what I have written, with what may be found upon the tithe subject, in the Memoirs of Captain Rock, might show that *relatively* I had not proceeded to great lengths. Yet is not the Captain's Biographer entitled to be called a moderate man? At least he appears an even-handed one. With him the Established Clergy seem described as mammon-graspers, and merciless grinders of the peasant : the Roman Catholic Priesthood as silly miracle-vouchers, or wicked miracle fabricators ; and little better than bigotted anti-educationists to boot. He appears to agree with Mr. North's, (and disagree from Doctor

## TO CORRESPONDENTS.

The matter of the enclosure of *Mr. Bar: Note*, —one of the alteregos or umbræ of *E. Barton*,— will be found incorporated in the conference or consultation, between this latter, Declan, O. Bantner, and the Lady Blackletter Fullbottom, or (as some call her) Coifly. The communications of A. Robnet, Ter. O'Nab, Ar. Bonet, T. Aroben, and Abr. Eton, are all valuable, no doubt: not to

Doyle's) report, that Moll Flanders, and Irish Rogues and Rapparees, form a principal part of the elementary literature with which our humbler classes are imbued. *Quo semel est imbuta*, &c. I presume the life of Captain Rock is to be the classic, substituted for the history of our other latronic heroes. By the way, has a cursory glance misled me, or does this Biographer rebuke the 'gentlemen whiteboys' and their Parliamentary accomplices of 1734, and yet rate S. N. for having written disparagingly of the non-agistment proceedings? That same Biographer quotes the sketch of the State of Ireland with seeming approbation and concurrence. Yet "on some points, methinks" they differ. The eighth edition of the State of Ireland is addressed to the Marquess Wellesley; and the following is the motto chosen; *Imperaturus es hominibus, qui nec totam servitutem pati possunt, nec totam libertatem*. Would the Annalist of the Rocks be content with any thing short of *liberté tout entière*? In truth Lord Wellesley's Adviser is moderate enough in his demands on our behalf. He seems but to require that we should be no more than semi-slaves. Which of the two following hypotheses is the true one? That the English have not *totam libertatem* as their lot; or that Ireland ought not to possess *all* the liberty enjoyed by England, and which the British Constitution gives?

mention those of other gens de lettres of the same character and stamp ; who have occasionally made a capital figure in the literary line, and in instances innumerable, had the gratification *de se voir imprimés*. But every one knows of E. Barton, that *brevis esse laborat* ; and to this his notorious desire for conciseness, the Editor sacrifices his wish to enrich the present publication with their letters. The following one however, which came too late for earlier insertion, is here given, at the particular desire of O. Banter.

## LETTER,

*if not from Nobody, from a Namesake.\**

Banter, I am informed that you have been fiddling ;† but you must not attempt to lead.‡ I will not deny that you are said to have a band ; but that you are qualified for leading the social band of public opinion, I never can admit. He indeed would be drawing a long bow, who contended that you were. You ! who I will venture to say had never even two strings to your own.

\* The signature is at once so scrawled and blotted, that only the first and last letters can be guessed at. From these it might appear that the communication came from N—obod—y. But the surmises of E. Barton attribute it to a namesake—not of Nobody ; but of Himself.

† Possibly the information came from the Author of Observations, &c. p. xxxiii.

‡ See ‘one year of the administration of the Marquess Wellesley,’ postscript, page 149.

Away then with all presumptuous overtures of the sort! Have done, in the name of harmony, with fugues, capriccios, and cadenzas;\* and giving *yourself* no more unwarrantable or bravura airs, give *us*, as expeditiously as may be, your finale. Some will have it that you are a lawyer.† At least you will make no figure at *our* bar. Remember that *de minimis non curat lex*; and confine yourself to the crotchets which belong to your profession; or aspire, at the very most, to semi-briefs. In the mean time do not hope, brandishing your roll of scribbles, to beat Time. Inquire of Captain Rock's historian, whether Time has not already beaten you.‡ Aye, whether he has not

\* Declan has been obliged (preface, p. ix.) to tax E. B. with "fairly *flying* away from the question:" his magician-like *caprice* is hinted in page xxxiv of the Observations; and his cadenzas, or *fallings off*, have not escaped his friend, the Author of the Complete Exposure. See preface to the second Edition of it, page 1.

† Others represent E. Barton as a "*little red riding hood*." See Observations, page xxxiv.

‡ See an implied list of the killed and wounded in page 249.—But why do we talk of killed and wounded? Did not the Trash Conscriptions of E. Barton die a very natural death? All that annoys me, is to observe that a portion of the mortal dulness, which sent them to their snuffy graves, has escaped from the 56th and 57th pages of the Apologetic Postscript, and settled in the 7th of the Memoirs of Captain Rock. The playful, witty, and clever Memoirist (*cujus ego ingenium ita laudo ut*

beaten your flat array, if not to stock-fish, to waste paper : whether your *elite* of pages be not embalmed in the *thus et odores* which awaited them ; while in place of the mortal flimsiness with which you had stuffed them, their contents are now *quicquid chartis amicitur ineptis*. Let the tenor of my present letter make a due impression on you. For should you make further base attempts to encroach on our department, I will apply for full redress to the harmonious system of the Law ; and, as the old song has it, “make vocal every *Spray*” on our behalf. The charge is a regular and even classic one : *Sympophiacos abducebat per injuriam* ;\* and it will go hard with us, acting as we do in concert, if we are not able to mulct you in treble costs.

As for what they say, of your having a nack at composing reels ;†—but hold ! the topic is an awkward one. It comes too near a bottle ; and renews the discords of December twelvemonth.

*non pertimescam*, as Cicero once said,) ought to apply to his friend Mr. Crampton without delay, to cut out the Bartonian mawkishness, before its taint can spread. We know, from the great poetic Rock, what a short lived race the φυλλῶν γένεται is : nor are the leaves of a pamphlet more vivacious than those of an oak.

\* CICERO IN CÆCILIJUM.

†. See a pleasant account of E. Barton’s reel in a bottle, Observations, p. xxxiii.

## COLLATIONS.\*

"E. Barton has lately written an excellent and eloquent political pamphlet, entitled Recent Scenes."

*Complete Exposure.*†

"In the various tracts of which E. Barton has been of late prolific, one knows not whether most to admire the genius, or lament the want of judgment, by which they are almost equally distinguished."

*Observations occasioned by the Letter of J.K.L.*

"E. Barton appears to seek for truth, and truth only; and shows himself eminently qualified for the search."

S. N.

"E. Barton seems to delight in creating around him a labyrinth of moral and political perplexities, where he may be at liberty to roam in pleasing delusion."

*Observations.*

"The great object which Mr. Barton has at heart, is to relieve the peasantry of Ireland; and

\* Vide Collatini Epistolam ad Brutum Bradwardinensem.

† First page to preface of Second Edition.

by so doing, to benefit the country. In his second argument there certainly is some appearance of force; and I remember a time when my objections to the tithe system exceeded his. His third argument is founded on the annoyance of yearly valuators &cet. There certainly needs much amendment in this particular. Proctors are frequently litigious and dishonest; and have ample opportunity to indulge themselves in knavery.\* Their exactions the peasant had felt to be vexatious."

*Thoughts on tithes, by a Munster Farmer.*

"E. Barton indulges in moonlight rambles, upon the confines of truth; and loves to wander in the twilight of dubiety. *Observations.*

"E. Barton adduces a variety of arguments, in a disposition which belongs to minds seriously disposed to seek for truth." S. N.

"Nero fiddled while Rome was burning. † E. Barton, while his Country's dearest interests are at stake, dallies with paradoxes; and delights to ramble in the twilight of dubiety." *Observations.*

\* It is right to add, that the writer attributes this to "the manner in which the gentry abandon their tenantry," p. 6..

† The writer whom I am quoting disclaims, with manifest kindness of feeling, and great courtesy of expression, apply-

"Such are the questions, on which E. Barton assumes the right of judging in the last resort."

*Case of the Church of Ireland; preface to second Edition.*

"Discussing, without intending to decide, he doubts, and pauses, and deliberates, and resolves, and hesitates, and doubts again; until objections and difficulties assume, in his transparent mind, something like the appearance of a reel in a bottle." †

*Observations.*

"That my endeavours" (to defend the cause which I had undertaken) "have attracted the notice, and met the approbation of E. Barton, has been a very high gratification indeed. With

ing this to E. Barton. But have his readers all been equally forbearing? While tithe-mooting, he appropriately strayed

thro' verdant vales, and Ceres' golden reign,

only see what his supposed "fiddling" produced. I of course refer to the letter which has just been given; and which is surmised to come from the leader of a power, formidable, (and perhaps even dangerously connected,) if what the poet has said of it be true.

Headlong, impetuous, see it pour:

The Rocks and nodding groves, rebellow to the roar.

† This is very pleasant; and E. B. left himself open to the pleasantry. But it entitles him to an acquittal of the charge of assuming to decide in the last resort.

him we discuss questions, as men who have the same object in view, and join their strength, to attain it."

S. N.

"It is provoking to those who know E. Barton's powers, to witness the perverse and unsatisfactory nature of his speculations." ‡

*Observations.*

"A pamphlet of no common kind has just issued from the press, under the name of Barton. The author calls it *a Rhapsody*. We should rather incline to call it one of the most logical specimens of ratiocination, which it has ever been our fortune to peruse. It *appears* to commence rhapsodically enough ; and to dart *in medias res*, like an epic : but the very first sentence, though figuratively conceived, is an exact definition of a miracle ; and though the author might *seem* to a cursory reader, episodial in his manner, there is not, in our opinion, a single deviation from the most rigid principles of induction, from the first page to the last."

*Dublin Evening Post.*

Compare with the above, the three last extracts which have been given from *Observations.* I, the

‡ There is in the very anger of this writer, a kindness which E. B. thankfully feels, even while he endeavours to rescue himself from the charge of having provoked it.

Editor, beg to say, at the desire of E. Barton, that the above is so true a copy from the D. E. Post, that there is not an *Italic* given, which is not in the original. I also take this opportunity, (in the name of the same E. B.) to thank that thoroughly well edited and independent Paper, for the kind and gratifying, the generous and defensive notice, which it has taken of a person, amongst whose many faults, he flatters himself, ingratitude is not one.

"I venture \* to offer some suggestions, which I address to E. Barton, with an equal confidence in their truth, as that in which the artisan of old commented upon &cet; † and with much more of deference in manner and feeling."

*Munster Farmer.*

Why such deference, if he considered E. Barton as merely 'dallying with paradoxes?' If he thought that this (according to the author of Rock's Memoirs) "dead corse,"‡ was but "revisiting

\* 'Venture!—seriously this is not the language which ought to be used, by one who comes to his subject, better qualified to treat it than E. Barton was. It is kind and unassuming language. But it is self-disparaging. His readers however do him justice.

† I am not vain enough to give the passage : but I am proud enough to refer to the page (3) in which it may be found. E.B.

‡ Memoirs of Captain Rock, page 249.

those glimpses of the moon," which he had already, in a former serenading pamphlet, woo'd?

"To enter into a discussion of objections, urged as these are by E. Barton, where they bear the unequivocal marks of sincere inquiry after truth, and evince by the manner in which they are brought forward, that the endeavour to answer them, will be estimated fairly, and the impression which it makes candidly acknowledged, is to me a most gratifying employment."

S. N.

"It is provoking to witness, in times like these, the perverse and unsatisfactory nature of E. Barton's speculations."

#### *Observations.*

"Quasi, quodammodo, very near, with strong similitude, somewhat amphibious, and almost divine." *Declan's preface to the second edition of his first letter.* He is noticing E. Barton's mode of treating the title of the Clergy to tithe. \*

"I pursue my argument with pleasure, because I flatter myself it may fall into the hands of E.

\* Declan was displeased with E. B. when he wrote this. Accordingly it should not here be quoted, but that the Editor thinks the passage involves some just criticism; and that the reader *medio tutissimus ibit*, between the encomium with which E. B. has been honoured, and the (not ill-natured) censure by which he has been instructed.

Barton ; and I know that by him it will be fairly examined.”

S. N.

“ E. Barton’s thoughts turn out their silver lining upon a night of gloom ; but it is only to render darkness visible. They do not disinherit chaos. If they are as bright, they are also as brief,

As the lightning in the collied night,  
That in its spleen, &cet.

*Observations.*

“ I think it important to enter minutely into the detail of E. Barton’s discussion.” &cet.

S. N.

“ E. Barton is a moonlight rambler on the confines of truth : a dallier with paradoxes ; a wanderer in the twilight of dubiety.”

*Observations.*

“ The fairness of E. Barton’s mind, evinced by his manner of treating the subject, entitles his objections to respect ; and the importance of removing them appears to me to be very great.

S. N.

Oh ! what a noble mind is here o’erthrown !

*Observations.*

“ ‘Why’ (Declan has most kindly asked) “ does

not E. Barton aspire at once to the highest honours in the literary commonwealth?"

*Preface to second letter.*

Let the author of *Observations* (who yet is far from being unkind,) answer the above very gratifying inquiry. "Objecting without intending to oppose, arguing without intending to refute, and dicussing without intending to decide, his motto would seem to be,

Cædimur, et totidem plagis consumimus hostem,  
Lento Samnites ad lumina prima duello.

Ought *he* to aspire to the first literary honours, who at one time, reminds the author of *Observations* of that not very wise personage, "the little red riding hood,"—and at another, of "the half-witted traveller, who good-naturedly carried his own ass?"

*End of the Collations.*

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## SYLLABUS

## OF TRACTS AND TOPICS.

The Author's object, in the following pages, is rather to submit questions, and to insinuate doubts, than to close the former, or remove the last

Preface.

The intricacy of his subject, and diversity of the opinions formed upon it, seem to justify this undecided course.

Tract, page 2.

Accordingly, in this treatise, there will be found *contras* as well as *pros.*

Ibid.

As the law stands, it seems inaccurate to say, as in *The State of Ireland* it is said, that the State pays its ecclesiastical, as it does its other officers.

Ibid.

The Author strongly doubts whether the clergy *ought to be* so paid.

Ibid.

He thinks they *are not* so paid.

Ibid.

Accordingly, he disputes the position, that in the case of our clerical establishment, the State possesses powers of change, modification, and control, equal to those, which in the case of its civil, military, and fiscal officers, it may possess.

3.

The Legislature may perhaps give itself that degree of power; for it may abrogate the legal principle, which for the present seems to lie in the way of its attempts at fundamental change.

Ibid.

But Parliament will be very cautious how it meddles with first principles.

4.

In theory it is omnipotent: but there are axioms of the Constitution, which set a practical limit to this vast power

Ibid.

Could the Legislature rescind magna charta, repeal the habeas corpus act, and bill of rights; and enact that the Royal Authority should henceforward be despotic? At least they *would* not.

Ibid.

They will be, in general, averse from that adventurous repair, of which the preliminary step is demolition

5

Our clergy cannot rest their proprietary claims on any foundation deeper than that which our law supplies.

6.

But their right to tithe, though not divine, is sacred; it bears a venerable resemblance to that which the Priesthood of God's own people once enjoyed; and is to be approached with that pious caution, which things sacred should inspire.

Ibid. and 149—150.

Even assuming our right to meddle with tithes, we should not do so without necessity.

Ibid. and 150.

Nor in a degree exceeding that, which such necessity requires.

page 6 and 150.

Tithes seem indeed to have become encrusted with some abuses.

6.

And are also entangled in objections, derived from the peculiar situation (in point of religion, and in other particulars,) of this country.

Ibid

But still, before we *touched* them, we should not only be satisfied that the system, as it stands at present, is a grievance ; but that it is one which our interference will be morally certain of removing. *Ibid.* and 150.

We are not to make them a subject for experiments ; with a dim prospect of benefits which are precarious and contingent. - 7 and 150 (Note.)

But the more scrupulously reluctant is the legislature to trespass on clerical right, the more tractable and liberal our clergy ought to be ; the more averse to suffering those rights to mar the present, or preclude the future welfare of the country. - 10.

Mr. Burke considers the estate of the church to be incorporated with the mass of private property. 11.

With this opinion, that of the author very nearly coincides. - - - Ibid.

But, from the context, it might be inferred that Mr. Burke rather meant to suggest a close affinity between Church property and private, than to insist on such strict generic identity, as would make them indissolubly one. - - - 12 and 85.

And if permitted thus to explain it, the author goes the whole length of this opinion. - - - 12.

While Church property partakes mainly of the character of that which is called private, he conceives it also to present us with vestiges of a public origin and nature - - - 14—68, and 150.

It would appear as if originally it was a provision of the *quantum meruit* kind; and its qualities seem

suggested by the Divine declaration, that the labourer is worthy of his hire.

14—68.

The Public were to pay this hire; religious instruction, the performance of religious rites, &c. were the *quid pro quo*; and thus to ecclesiastical property something of a public complexion and character seems given.

Ibid.

But though for some purposes, and to some extent, we may endeavour to trace ecclesiastical property to its source, we are not to define the present rights of the Clergy, by means of a reference to what we suppose them, in their rudiments, to have been. 14 and 110.

In determining upon them, we are to consider what they are, by the laws of this country, at the present day.

Ibid.

Even if the matter were *res integra*, the author would say that their provision ought to be liberal, permanent, independent, and secure.

Ibid.

And that the higher classes of society should find themselves surrounded with a clergy, on whom their pride could not look down.

Ibid. and 110.

But while the Clergy, with regard to their income, resemble the possessors of private property, there is a distinction between the two kinds of proprietorship.

15.

The Lay proprietor, in private right, of land, so long as he pays any rent-demand to which it is subject, and refrains from certain crimes which induce forfeiture, continues (however grossly he misbehaves) to enjoy his estate.

Ibid.

But the spiritual proprietor earns a public provision, not by the rendering of a private service, but by the performance of a public duty.

Ibid.

And is liable to be deprived of his income, if he be found unfit for the performance of those public duties.

Ibid.

And this is successively true of all who *jure ecclesiae* succeed him.

Ibid.

In the same degree in which clerical income differs from that of the private proprietor, it approaches (yet is quite distinguishable from) that of the public officer who receives a salary; that, for example, of a judge.

Ibid.

Nor can it be essential to the *independence* of the clerical order, that this resemblance should not exist: for it is of recognised and vital consequence, that the judges, who yet are paid by salaries, should be independent.

Ibid.

In proportion as clerical property is connected, rather with income of a public, than of a private kind, it seems attracted within the sphere of legislative control;

16 and 150.

Though the mixture of *private* that is found in its blended nature, must more or less restrain and set limits to this control, and entitle it to be touched with extreme delicacy and circumspection. 16. 68, and 150.

In pronouncing the parson to be a corporation, we at once infuse a portion of public nature into his rights.

16.

The disabling Statutes, operating by *public* enactment on the property of the Church, seem to intimate a

difference between private property and ecclesiastical possessions.

17.

The Legislature does not thus, by public statute, take the dominion of his property out of the hands of a private individual, who is *compos*.

Ibid.

A layman, seized in fee, may, suitably to such absolute ownership, sell or give the property all away.

Ibid.

A rector is, *jure ecclesiæ*, seized in fee: yet he cannot sell, or charge, or commit waste.

Ibid.

In the situation held by the present occupants, each and every of their successors, one after the other, will for ever be.

19.

Thus if the present occupants assented to regulative alterations, the Church would not be without security against being permanently injured by such assent: for each man, in attending to his own interests, would be prospectively guarding his successor's quite similar concerns.

Ibid.

It is to be hoped, either that the present possessors of Church property can bind, by their acquiescence, the quasi fee simple of the Church; or that the Legislature have the right coercively to interpose.

Ibid.

Since otherwise, however indispensable some regulative modification might become, there would be no legitimate authority that could effect it.

Ibid.

It is said to be the landlord, who in fact pays the tithe.

22.

But this the Author doubts;

Ibid.

For the following reasons : *first*, that to what amount the tenant should claim deduction from his rent, on the score of tithe, is, as things stand at present, a matter of difficult,—scarcely of practicable—calculation : *secondly* that the demand for land is too great in Ireland, for the eager competitors to urge such claims as these.

Ibid

Again, even assuming that the occupant does not pay the tithe, he *seems* to himself to do so ; and this semblance is as afflicting as the reality could be.

Ibid.

And the Roman Catholic peasant is also liable, in conscience, to his own priest's dues ; which makes his burden the heavier and more severe; and the numbers of the Roman Catholicks show how extensively operative this severity must be.

Ibid.

He will be the more sensible to the pressure, because the return which he has for one payment serves to remind him that for the other he has none. This may not affect the intrinsic validity of the tithe-claim; but it helps to account for a discontent, which it is desirable should be allayed, if, without too great a sacrifice, this could be done.

23.

This propensity to discontent is increased by the valuator ; an annoyance of annual recurrence ; and often by the conduct of tithe proctors and contractors; if this race be not traduced.

24.

They both have an interest, that might lead to high valuations.

Ibid.

The fall of prices increases the pressure of tithe, as long as rents are not proportionably abated; be-

cause the profit, from which the tithe is to be taken,  
has become a more scanty fund.

Ibid.

Land tithe-free is said, by Lord Maryborough, to let  
for 10s. more by the acre, than land of equal qua-  
lity subject to an acreable tithe of 1s. 2d.

Ibid.

This seems to show how odious to the peasantry the  
tithe demand must be.

Ibid.

Tithes cannot encourage agriculture ; and if it flou-  
rish under them, this must be where other circum-  
stances, inducive of tillage, more than countervail  
the discouragement which they produce.

25. 26.

But if while tillage flourished, the tillers of the earth  
were in distress, such unprosperous condition of  
our agricultural population might call for a modi-  
fication of the tithe system.

26.

Now, notwithstanding the increase of our corn ex-  
ports, the condition of our peasantry has been, and  
continues wretched.

Ibid.

On the whole, the author *suspects* that in the present  
tithe-system there may lurk grievance, which re-  
quires correction ; but adds, that *suspicion* is ill  
ground for innovating, or encroaching upon rights ;  
and that to be acted on, even short of such viola-  
tion, the surmise should be strengthened to a mo-  
ral certainty.

22.

And it not only should appear that the present sys-  
tem needs correction, but that the change, which  
we contemplate, will be corrective. Until this also  
appear, no alteration should be made.

6 and 150.

Whether the tithe system ought to be reformed, the author does not pronounce: but it ought, he thinks, to be examined and scrutinized.

29.

He believes that the tithe payer is charged not a tenth; nor more than a twentieth at most.

41.

While this fact displays the moderation of the clergy, it may also perhaps show, that their claim, pushed to its full extent, might become an intolerable grievance. Even that twentieth which they now demand, the peasant sometimes feels it difficult to pay.

Ibid.

But the clergyman may, at any moment, proceed to enforce his legal title to a full tenth. Is not some modification, which shall preclude this danger, to be desired?

Ibid.

In the mean time too, the valuator might wield this *summum jus* to purposes of oppression. If he overvalue the twentieth, and the occupant remonstrate, he may intimidate him, by threatening to estimate and demand a tenth.

42.

The amount of tithe, to which he will become liable, is not *a priori* so certain and defined, as that the person who will have to pay it can indemnify himself, by the terms of his treaty with his landlord, when about to take the ground.

43.

But even if such calculations were more practicable than they are, yet the poverty and redundancy of our population, and the strong competition for land, which these produce, forbid the entering upon any such preliminary computations.

Ibid.

The poor Irish bid for land, as a starving man would for a loaf of bread; and afterwards consider where they are to find the purchase money; or discover that it is not to be found.

44.

Quære is the title of the Clergyman to tithe any thing materially different from a *lien* upon a tenth of that produce, the property of the whole of which is in him who raised it?

45.

It is alleged, \* in defining the tiller's right, that there is a portion of the crop which was never his. The author questions the accuracy of this view.

48.

The right to tithe arises *ex contractu*. It is a temporal price, paid for spiritual aid and counsels. Now a stipulation to pay a price implies, *first* a value, actually—or by presumption of law †—received; *secondly* that up to the moment when the contract was consummated, the price formed part of the property of him who undertook to pay it. The contractor could not pass by his agreement that "which was never his."

48, 49.

The very title of the *tithe* revenue acknowledges its *fractional* character. It is the tenth *part* of a *whole*. It must have been severed, before it was set apart. Until it was so severed (I do not mean in fact, but in the eye of law) it, and the other nine parts which formed the whole, were the property of him to whom that integral belonged.

85.

\* S. N's inquiry, p. 17.

† As, between the Established Church and the Roman Catholic tithe payer, the cause perhaps may stand.

Some facts, characteristical of tithe, evince its intrinsically remuneratory nature. For we find the amount of the reward depend on the quantity of service.

67.

Thus, *in England*, the more populous is the parish, the heavier will be the duty, and the more ample will be the income.

Ibid.

But change the scene to Ireland; and suppose five sixths of these numerous parishioners to be Roman Catholics, and that these all pay:—the proportion between service and reward disappears; or rather is inverted.

Ibid. and 82, 83.

If for tithe, any other payment of the nature of a tax were substituted by the Legislature,—this the community at large, including Catholics, would have to pay. What difference would this make, so far as Roman Catholics are concerned? What substantial difference is there between *a tax*, and *a price paid by the Public* for a public service? And do not Roman Catholics, as things stand at present, pay this price?

49.

It is said that “no difference, with respect to their state of cultivation, can be observed between those lands which are tithe free, and those which are not.” So far as regards the state of tillage, the author admits the force of this observation.

50.

It is farther observed, that “England is better cultivated than Ireland; and yet pays a tithe much more strict.” This proves little. The superior cultivation may be accounted for in various ways; and seems not to have been *occasioned by*, but to have arisen *notwithstanding* tithe.

51.

Again, in England, the population is a Protestant one : few, scarcely any, have to contribute to the support of a second Church.

51.

It is observed that "the Scottish Peasant is worse clothed, and lodged, and fed, than his neighbour south of Tweed."—But surely this inferiority is not *produced by* his exemption from tithe. We know, not only that it *may be*, but that *it is* the consequence of other adequate causes, operating *in spite* of this exemption.

52.

It is not, in the author's mind; enough, that a provision be made, which shall amply compensate the labours and services of the Clergy. The Ecclesiastical property ought to be such, as will support the dignity of the Church.

62, 64.

He would not *know the constitution*, if he found Bishops excluded from the House of Lords. Ibid and 110.

And while they sit there, ought not their possessions to be affluent, and perhaps territorial? 63 and 110.

At the same time, the peculiar situation of this Country, as contrasted with that of England, is not to be overlooked ; and though we may not on this ground violate the principle, we may consent to soften and modify its application.

Ibid.

Ecclesiastical property seems to have issued from a public fund, to be applied to pay the holy wages of spiritual labour ; and maintain the sacred and sober grandeur of the Church ; the amount of such remuneration, and extent and splendour of the Church Establishment, being measured by—and bearing a fixed though liberal ratio to—the wants, the means, and general circumstances of the Country.

64.

Within certain limits, this view seems one, to be acted (though cautiously and reservedly acted) on.

66.

If the fund appropriated become far more productive than the case requires; and the appropriation of so much, appear more than the circumstances of the country can bear? - - - -

Ibid.

The author would be very reluctant to adopt as an argument for the present tithe system, that while objectionable in every other respect, it was "the great stay of our connexion with Great Britain." what was injurious to one Country, he would not forge into a link of connexion with the other.

68, 69.

What the Clergy were prevailed on to remit, it seems unlikely that the Landlord would exact from the occupier of the land. - - - -

71, 74.

Still less likely is it, that where the Clergy took a thirtieth, the Landlord should require a tenth.

75.

To consider the Parson as a mere Landlord, and his Roman Catholic parishioners as his tenants, not his flock, resembles an admission, that he is for enforcing a contract (see p. 48, 67, &c.) the consideration for which is gone. - - - -

84.

The nature of the *remedy* is usually indicative of that of the *right*; and characteristic of the relation to each other, in which the parties stand: and the remedies of the Parson against his parishioners do not suggest that the relation between them is analogous to that of Landlord and tenant; - - -

Ibid.

For the Parson to negative his being Pastor, or that a cure of souls was the consideration (actual

or presumed) \* for his demand, might be to defeat his own claim. The penalties (or rather forfeitures) on non residence are pertinent to this view of the foundations of the claim to tithe. - - - 84, 83.

If tithes were remunerative, and for services continuing, they would, on the abolition of the clerical order, (see Declan) revert to the remunerating source or quarter. - - - - 86.

A too peremptory and unqualified assertion of the strictly and merely private character of Church property, seems not unproductive of consequences somewhat difficult and entangled. A property on condition becomes absolute, one knows not how. 84, 87.

If those who possess a donative power, were utterly destitute under any circumstances, of a resumptive one, might not our adversaries cavil with the claim of the established Church to its temporalities? Church property is called private and inviolable: The papal Clergy had it; and from them it must have been resumed, before it was transferred to ours. - - - - - 88.

The author justifies, *on public ground*, that resumption, which is the foundation of Protestant title; and withholds alike from Protestant and Catholic, the wide admission, that Church property is, to all intents and purposes, of a private nature. 89.

He refuses to Catholics an argument, which they might wield against our titles; and to the Established Clergy one, which would be pushed too

\* As in the case of his Roman Catholic Parishioners.

far, if it were pointed against legislative authority,  
or the attainment of public good.

89.

Was Ecclesiastical property so merely *public*, at the time of the transfer, that it might be so transferred,—and has it become so strictly *private* since, that it cannot now be even modified?

Ibid.

The grant of tithes, if it resemble that of lands of inheritance, conferred on settlers, is however distinguishable from them. Tithe is in general for services performing, and *to be* performed.

91.

It is one thing to resume the price of goods delivered; and another, to stay, or to reduce the payment, when an article ceases to be furnished; or is supplied in smaller quantity, by reason of a diminution in the demand

Ibid.

It is said that "the income of the Roman Catholic parish priests and curates is greater than that of the same ranks amongst the Protestant Clergy."— But surely it does not follow, that those who, without ample means, are paying largely for services which they receive, should incur a farther liability, on no valuable account at all.

88.

The doctrine, that the right to tithe has nothing public in its complexion, but is of a mere and purely private nature, if pushed to the extreme of inference which it supplies, might be found to demonstrate this practical bull, that the title of our Clergy to take tithe would remain unaltered and unalterable, though the inhabitants of the country were Roman Catholic to a man. At present, in many parts of Ireland, a great majority of the inhabitants of every parish are so. From the mi-

nority in each of those cases, *demo unum*; *demo item unum*; and though we proceed to do so, until such minority is reduced to zero, that theoretic foundation of the right to tithe, which we are here objecting to, will remain; and thus the *argumentum ad absurdum*, against such a theory, seems let in.

90.

The *private character* of this species of Church property appears therefore to be rather similitudinary, than identical.

Ibid.

It is observed, that "in the reign of Henry the second, the Crown relinquished the right of property, in that with which it endowed the church." But in the sixteenth and seventeenth centuries, either this right remained, if not in the Crown yet with the Legislature; or became re vested, by the public exigency of the times.

91.

And if this latter were the case, it seems to follow that public exigency may confer a title of resumption.

Ibid.

On the above grounds, the author doubts the soundness of the doctrine, that the power of the Legislature, in the case of Church property, is nothing more than a visitatorial authority, reserved by Henry the Second; and in process of time communicated to Parliament, from the Crown.

92.

And he (the author) rather conceives, that the Legislature may have a right so to reduce, on an emergency, the grant of the State, as to make it commensurate to the objects for which that grant was made.

93.

Such a proceeding, on the part of the Legislature, would not be so properly to *revoke the letter*, as to *maintain and enforce the spirit* of such grant. *Ibid.* and 123.

And legislative interference may be the more warrantable, because the possessions which it touches are not strictly or altogether of a private nature. 66. 90, &c.

In the clerical rights there is a mixture of public and private ; or a similitude to each. 109.

Not only have the established clergy a right to be supported ; but that some amongst them should be supported with a splendour, which may give dignity to the Church. 110.

Whether the distribution of the ecclesiastical revenues amongst the clergy be exactly what, if the matter were *res integra* would be most desirable, may perhaps be questioned. 112.

And it may be also doubted whether there be not some impediments in the way of their thoroughly counteracting by their residence (though they may mitigate) the evils of absenteeism. *Ibid.*

'The enemies of England ;' by this title, in the author's vocabulary, those of Ireland are also meant. 144.

Much of what is observed by Declan, of our established clergy, is true, material, and to their credit. 114.

It is said, amongst other things, of this body, that by them British connexion is strengthened and promoted. If so, they deserve well of the State and the country ; but do not alter, by this meritorious

service, the legal and theoretical foundation of their claim to tithes.

T13.

If from the Church a portion of that inviolable exemption were withdrawn, which derives itself from the supposed utterly private nature of their possessions, the author hopes that its place would be abundantly supplied, by the sacred character with which ecclesiastical property is imbued; the religious sentiments of the public mind; the regard of a Protestant flock, for the holy revenues of its establishment; the pious delicacies and devout affection towards its church, which ever must pervade a truly Christian population.\*

151.

If Parliamentary interference should take place, ample compensation ought to be made, for any loss occasioned by the exercise of such legislative control.

150.

Nor would any proceeding, in the author's mind, deserve to be approved, which did not leave our present clergy, and those of the time to come, security, independence, and affluence to a moderate degree.

151.

Or which failed to provide suitably, and therefore largely, for the honour, imposing dignity, and solemn splendour of the Church. Ibid. and 62, 63, 64, and 110.

*End of the Syllabus.†*

\* *Quamobrem si jure possis accusare, tamen, id pie facere non posse.*—  
CICERO IN COECILIUM.

† It will be recollectcd, that the above abstract of the contents of 'Tracts and Topics,' is given for the mere purpose of showing what that publication contains, (upon the tithe-subject) and not with a view to re-asserting the Author's opinions; or denying or detracting from the weight of arguments, which have since been urged against them.

That long Soliloquy, of part of which the above Syllabus gives an abstract, though it be, I hope, coherent, and including little that is foreign from its purpose, must yet be allowed to be miscellaneous enough. Indeed Declan has induced me to suspect that it is too much so. Such variety may beguile weariness, and keep up attention; but produces a something to which the *simplex et unum* must be wanting. The work (if it can aspire to such a title) may also be open to animadversion, as pursuing a too dubious and uncertain course. With regard to this, a very judicious suggestion will be found, in the twenty-fourth page of Declan's preface to his first letter; while the same fault is hinted at and rallied, fairly and with much humour,\* in the second edition of 'Observations occasioned by the Letter of J.K.L.' I can only say that *vicina virtutibus sunt vitia*; and if I have been too much of a *Waverly*, I have been made so by my caution. Not that cowardly and selfish caution,

"which dares tell neither truth nor lies;"†

not that caution which checks expression merely; but that which also, and still more scrupulously, reins in thought; and which is a sort of Antipode

\*. And it is justice to add, that the humour is delicate, not coarse.

† Pope

to headlong innovation. But might not my caution have chosen a more judicious course? When it dictated hesitation, ought it not to have imposed silence? Why should I perplex the Public with my doubts, when perhaps there would have been presumption in even troubling them with my opinions? On other grounds too, it might have been better to "stand mute,"—not "of malice or foward mind;"—but from just diffidence, and wary prudence. My miscellany of discussion involved the acknowledgment of some opinions, which (by those at least who abet them) are called liberal. Now the worst of liberality is, that it makes us acquainted with strange bed-fellows. It brings one into bad company; which is worse again than being left out of good. Then is a man not to be liberal? I do not say so. Nay I am far from denying that he ought, when occasion calls for the avowal, to declare his principles, and act upon them. But I doubt the prudence of his *unnecessarily* engaging in any discussion, which involves a public profession of constitutional faith. That this should be so, is an additional reproach to those, who espouse the intolerant and anti-liberal side. It is they who, if we will associate with Freedom, force us to wait upon her in that Coventry, to which she has been sent. It is they, who thrust Patriotism and Public Spirit into company with the Turbulent and Vulgar. For, strange to say, it is in a quarter where these latter also are to be found, that we are to look for a liberality,

which our *Optimates* ought to be as anxious to rescue from such hands, as Rome was to recover the eagles of *Crassus* and of *Varus*, from the Eastern and Western Barbarians, into whose possession they had fallen. But *vera prorsus seniores sunt locuti, displicere regnabitibus civilia ingenia.*\*

To return to my doubts. S. N. appears to have penetrated the motive, which led me to entertain and to express them ; and accordingly they have escaped his censure. The work in which this writer has honoured me with favourable notice, I have read with the more attention, because I felt as if I had something to guard against. I felt, in short, that my gratitude for the author's kindness might invest his arguments with more than their intrinsic force. I must indeed admit that I have much reason to be grateful. He has bestowed upon me something more solid and valuable than praise. He has manifestly and practically given me credit for honest motive, and upright intention : he has thought my arguments worth discussing ; and myself worth convincing. I will here take the liberty (without much method or arrangement) of

\* Tacitus, Annal. L. 2. c. 82.—His Majesty's visit to Ireland involved proof, that *Regnabitibus* ought not to be translated *Kings*. By the way, let me here confess, that I am *ungen-  
teel* enough, to pronounce the great City (as Shakspeare did) *Room* ; and am far from *gentlemanlike* enough to call it *Roam*.

adverting to the matter of his tract; and this respectful notice shall form my conclusion.

I feel as if legal theory were with S. N.; and as if my paragraphs were too like an army of observation; not indeed encountering, but seeming to threaten, the positions of Sir William Blackstone, Mr. Burke, and Sir Edward Coke. I could not look behind the Law, without suffering the Law to turn its back on me. If tithe be “an ecclesiastical inheritance, collateral to the estate of the land,”\* I must admit it to be a charge, affecting the inheritor: one which must continually follow and cling inseparably to that land; and attach upon and encumber it, into whatever hands it come: while the corporate character of the parson,† can but regulate the transmission of this species of property; not affect the question of the church’s legal right.

If all this be so, tithe must issue from the land; and be to be claimed from the inheritor. The land-owner must, *in contemplation of law*, be the tithe payer.

And he *may* be so *in fact*, while seemingly his tenant makes the payment. The landlord pays,

\* Reports, Part xi. p. 13. b.

† Blackst. Comm. B. I. c. 18.

if he reimburses his lessee, by an allowance in (i. e. deduction from) his rent, equivalent to the amount of the parson's demand for tithe.

S. N., with a candour which has its reward in the access which it gives him to the minds which he would persuade, admits that the tenant seems to himself to pay the tithe. But to this admission he tacks a very proper—and argumentatively conclusive question,—is the mistake of one man a reason for our confiscating the property of another?

I shall not be found to lay a snare, when I ask S. N. whether the tenant does not more than seem to pay this ecclesiastical demand? There is nothing insidious in the question; because I admit, that though it appear that he actually pays it, this fact alone can not disparage the title of the Church.

The tenant *does* pay the tithe, if he have not been allowed for it in his rent, as money to be paid laid out and expended for his landlord.

But I repeat my admission, that the rights of the clergy are not to be affected, by a transaction to which the church has been no party. They are not to suffer, because the land-owner has withheld from the land-occupier, an indemnification to which in justice this latter was entitled. But S. N. will agree with me, that the tenant, in this

view, would be aggrieved ; and that the grievance ought, if possible, to be redressed.

But how is it to be redressed ? Whether at the expense of laity or clergy ? If by the constitutional charter, under which we live, the property of both be equally secured from all interference of the State, I admit that we can no more, so long as we act within the law, take into our hands the management of ecclesiastical, than of lay estates. What then must we do ? Having ascertained beyond all question (for this is the first thing to be done) the existence of the evil, we must next and very studiously inquire, whether it can, without infringing any cardinal principle, be corrected ; and if it can, to this safe and legal remedy we should resort. If the mischief defy all ordinary means of cure, we are to compare its magnitude on the one hand, with that of the peril which may attend its removal, on the other. On the result of this comparison we shall then have to decide, whether we will continue to endure the disease under which we labour, or submit to a hazardous operation for its cure. Whether the evil which we are bearing, or the sacrifice of principle to its extirpation, would be the worst. I do not deny that in extraordinary cases, there lies an appeal from the customary establishments of law, to that *salus populi*, which is described as the *supreme law* : but such appeals are revolutionary ; and only to

be justified by the necessity of the case. They are a kind of repair, which tampers with the foundation ; and in prosecuting which, we might bring the constitutional structure about our ears. If however, we find the mischief to be such, and so very urgent, that even a formidable risk should be incurred for its removal,—yet we ought to obtain *a certainty*, that at the risk which we are about to run, we may remove it. We are not, for the chance of redress, to incur the hazard of demolition. The evil is also to be traced very carefully to its source : a proceeding obviously essential to its permanent and complete removal. If the remedy involve an interference with any rights, it is those rights, the abuse of which has produced the evil, that should be interfered with. And this on two obvious grounds : first, that it is where the mischief has originated, the corrective should be applied ; secondly, that those should pay the penalty, who did the wrong.—I am here supposing legal principle sacrificed to paramount emergency ; and I am also assuming that this sacrifice must be made, before the management of property, either ecclesiastical or lay, can be taken into the hands of Parliament.—Towards such a view, it seems unnecessary to inquire, whether there be any thing in the public nature of Church possessions, or the public services returned for them, which would render this species of property more pliant, than that of laymen : I mean supposing we examined both, in what I

will call their early rudiments, as these are to be found (or to be imagined) beyond the precincts of that Law, which seems to have placed them, (while within those precincts,) on the same strong footing of security. Such an inquiry, I say, is unnecessary: because the above hypothesis is that of a sacrifice of legal institutions, to the demands of an imperious crisis; and when this is once the case, the right which is about to be interfered with, can derive neither argument nor protection, from its mere legal strength. The only question then will be, what are the rights which obstruct the remedial objects that are in view.

Unless so far as what fluctuated is become more fixed,—as doubts have settled into less wavering opinions,—I am not conscious of having varied here (or at least of having varied substantially or much) from what is to be found in Irish Tracts and Topics. Yet while what I have been saying may conflict with nothing there, I do not believe that I have asserted any thing from which S. N. will disagree. The more especially, because I have declined curiously recurring to the origin and rudiments of ecclesiastic titles. In such inquiries I should have to put myself under the guidance of Conjecture: and even though my conductress did not mislead me, I must admit that arguments drawn from what property once *was*, must be sparingly applied to what it *is*. It is one thing to be the owner

of a score of acorns; and quite another thing to be proprietor of a grove of oaks. I can conceive too that S. N. might impressively remind me, that the rights of the church are no longer in their infancy; but have reached a maturity which entitles them to put away childish things.

I have had an experience so convincing, of the candour of this writer, that I know he will at the same time pardon my confession, that I have not hitherto been able quite to eradicate my ideas of the somewhat public character, which at its commencement belonged to the property of the church. Yet I almost wish to extirpate notions, which perhaps may be choking, in their growth, opinions more strictly conformable to law: more legally orthodox, if I may so express it. If tithe be "an inheritance collateral to the estate of the land," (and for its being so, I have the word of Sir Edward Coke,) I must admit it would seem, as to its commencement, to be coeval with the territorial estate which it accompanies: and as to the future, it would also seem, that this incorporeal inheritance must have a duration commensurate to that of the corporeal hereditament, the landed fee-simple, which is to feed its claim. Nay, if from treason, or defect of heirs, this latter should escheat,—would not the inheritance pass tithe-charged (*toties quoties*) to whoever was the new grantee? Therefore if church property be (as I was conjecturing it to be) a price for certain clerical

duties to be performed for the public, yet (considering what is the law upon the subject) it would seem that the price thus paid was a proprietary right, as inviolable as if it had been laid : that the time of the contract was the period of our social compact ; and that the only parties to it were the Church and State ; or Constitution. Thus a lawyer cannot, I believe, consider tithe, as a price rendered by the person who actually pays it ; (or more properly perhaps who pays an instalment of its fruits;) or as issuing out of the interest which such person holds. That interest may be a determinable one ; a short term for years : whereas tithe is an inheritance ; and must issue from an estate, that in duration is commensurate with the claim ; and permanently adequate to its satisfaction. The views which, though doubtfully, I was taking, supposed the tenant to pay the tithe. This, whatever be the case in point of fact, cannot be the case in contemplation of law. It is paid by the *land* ; and consequently not by the land-occupier, but the land-owner.

I do not well know whether I have shown myself to be inconsistent : but I strongly hope that I have proved myself to be fair ; and what S. N. has kindly described me to be ; an inquirer after truth.

I do not understand him to affirm, that the tenant does not pay the tithe ; but that if he does,

this is the landlord's fault: that the Church has been guilty of no oppression; and therefore ought to incur no forfeiture; even assuming that for such malfeasance, it would be liable to any.\*

That the poor tillage farmer is called upon to pay too much, I take to be what even an E. Barton could not doubt. Whether this be an effect of misconduct, or if so, where the fault lies, is a question of fact, highly important to decide; but which I cannot be expected to determine. S. N. does not seem to fear the consequence of a strict examination, conducted fairly; and I cannot but agree with what I interpret to be his opinions; that where the fault has been, there the stigma and punishment ought to fall; and that if the blame lies not on the ecclesiastical, but on the lay side,—we should, by visiting the offence upon the former, be guilty at once of an injustice, and a blunder. We should be mulcting the innocent, and leaving the evil unredressed. For if that evil be excessive rent, we do not remove it, by curtailing the demands of those to whom no rent is due. If that evil be, that he is compelled to pay the tithe, who in law does not, and in justice ought not to pay it,—it is not the Church that exercises this compulsion. If the oppression come from the lay side, those who have practised it will not be indisposed to perse-

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\* See Note H. at end.

vere. The over-population and under-trade of the country will facilitate their object, by the eager competition for land which these produce; and we may be but *turning* from the Rectors to the Landlord's purse, what we intended to *return* to the peasant's pocket.

I have argued (in Tracts and Topics) against the notion, that Landlord's will, or have been acting thus. The presumption seemed (and seems) to me to be, that they would not pursue a course that is counter at once to their interests, and their honour. But *præsumptioni stabitur*, only ~~donec probetur in contrarium~~; and if it were proved to me, that landlords had been following this line,—I would abandon all my theories against their continuing to pursue it. I should at most hope, that the blame rested less with Principal than Agent; and again I should sigh over the number of our Absentees. Those behind them are left in a situation, little resembling that which Melibæus so extolled.\* Amongst our peasantry we may find the hospitality of a Tityrus: † but for his comforts ‡ we shall look in vain. It is not in Ireland, that a shepherd will be found,

\* *Nos patriæ fines, &c. Tu Tityre lentus in umbra &c.*

† *Hic tamen hanc mecum poteris requiescere noctem.*

‡ *Deus nobis hæc otia fecit, &c.*

δοχμαν δια κλιτων  
Βεσκηπονος ευριζειν.\*

Paddy's whistle (a sad though sweet one,) is addressed to his plough team; not his sheep. Yet our shepherd, if he owned the flock, had every reason to be cheerful,—that exemption from tithe liability could afford.

An allusion to one classic reminds me of another; and suggests my acknowledgements, to S. N., for a more correct view of Cicero's statements, than my memory had supplied. † I say my memory; for I have scarcely looked into his orations for twelve years. My candid and able—not adversary but instructor—has shown, that the oppressions which Sicilian agriculture underwent, arose not from any abuse of the tithe system, of Gelon; still less from its fair operation, however strict; but from the overthrow, by Verres, of that entire code; which, though the work of an absolute monarch, and bearing upon it the stamp and mark of this, ‡ had, notwithstanding, formed a law, *qua Siculis arare EXPEDIRET.* §

\* Euripides.

† Soliloquy, p. 26. See also *Divin: in Q. Cecil.* § 10.

‡ Ut eum scripsisse appareat, ita acute ut Siculum; ita severe, ut Tyrannum.

§ The next topic, briefly handled, of S. N., relates to what he had said of agistment; and which he appears satisfactorily and sufficiently to defend.

But to return to a consideration of the interesting topics of S. N.; if indeed I can be said to have been digressing from them.—I had observed upon the case of the Roman Catholic, as affected by the tithe claim. \* S. N. describes the “return which he receives for tithe, as consisting in the diminished rent of his holding: the payment of tithe as one of the conditions, upon which his land was leased to him.”† I cannot controvert the truth of this description. But let us put a case; though I may not know to what practical conclusion its statements ultimately ought to lead. To this inference it seems, in the meantime to conduct us; that the Protestant and Roman Catholic tithe payer are not equally well off.

B. (a Protestant) proposes to become tenant for a patch of tillage ground to A. It is to be sown with wheat; and with the cultivation which he intends to bestow on it, a produce of twenty barrels may be reckoned on. In the first instance it is agreed, that a tenth of this be delivered to the lessor at harvest home, in order that he may remit it to the Rector. B. then calculates on a produce of, to him, but eighteen barrels; and undertakes to pay for this a corn rent of six. The consequence is (a part of our hypothesis being

\* Soliloquy, p. 23.

† Miscellaneous observations, p. 23.

that the crop equals his expectation,) that he has twelve barrels, to reinburse him for the expense of having cultivated for twenty ; and to give him withal that profitable surplus, which formed his inducing object when he made the bargain.— Now all this is as it should be. The landlord pays the tithe ; for he purchases the two barrels that compose it, by a reduction of his rent-demand, which he makes, as upon a produce short by a tenth, of that which the ground actually returns. Mean while he provides his tenant with those means of religious worship and instruction, which if they be not the consideration, are a consequence of tithe. Thus I think I shall have the sanction of S. N. for pronouncing, that for the relinquished tenth of his wheat-crop, the lessee has both a spiritual and a temporal return : \* the one consisting in the diminution of his rent ; the other in that pastoral care which his Landlord has provided for him.

But repeat the case, with this mere diversity, that the tenant professes the Roman Catholic religion ; and assume the amount of his contribution to his own church to be equivalent to tithe,†

\* "The consideration which he" (the Roman Catholic) "receives, for paying his tithe, is not spiritual, but temporal."

S. N. Miscellaneous observations, p. 23.

† "Is not the Roman Catholic Church now, in her comparative adversity, receiving as much as the establishment?"

After deducting a rent of six barrels, a tithe of two to our establishment, and an offering of two more to his own, *his* residuum of the produce is not twelve, but ten. What seems to follow? Not merely that for his tithe he receives no spiritual consideration; but that neither does he in fact receive any temporal return. The claims of his own clergy are to be set off against the reduction of his rent; and he will be thus found, upon examination, to pay both rent and tithe; or what, in the way of loss to him, is equivalent to this. For while his bargain with the landlord relieves him (by a countervailing allowance) from but a tenth, he is contributing a fifth;—i. e. the two tenths; of which one is paid to our church; and the other to his own. What shall we do with such a case? For we are not to plunder the Protestant clergyman, because the Roman Catholic layman is aggrieved; nor on the other hand are we to call upon this latter, to relieve himself by a mercenary recantation. We would not permit,—much less require,—that he should purchase a tenth of his produce, with the entire of his conscience. Why then do I touch a topic, the treat-

" Her bishops probably do not receive as much; nor perhaps  
 " her priests in the North of Ireland. But, through the rest of  
 " the island, it is notorious, that the income of the parish  
 " priests, and still more of their curates, is greater than that of  
 " the same ranks among the established clergy."—*Declan's  
 First Letter*, p. 55.

ing of which does not open a prospect of correction?\* To this question I do not know that I am provided with a sufficient answer. I can only say, that if a matter present difficulties, it may be useful to suggest them; and thus prevent our mistaking what is complicated, for what is simple. Or if I have any other apology to add, it is a wish to insinuate, on behalf of my ‘Tracts and Topics,’ that if its passages be occasionally found intricate and dubious, the fault may be rather in my subject than myself.

In truth when I turn to this, and some other portions of that subject, certain speculative notions would be for starting up, if the salutary inclemency of Lord Coke did not interpose, to check their growth, and the repressive arguments of S. N. too “forbid them to aspire.” Those (I should be for saying) who assert that predial tithe is private property, or perfectly analogous to what is so; that it is not a price paid for the performance of a public duty; but a rent issuing from all the lay land of the country, whose rendition annually acknowledges a paramount title in the church;—or else the interest upon a great national mortgage, not redeemable, and coeval with the

\* For again, we cannot expect that a Landlord should let to a Roman Catholic, because he was so, at a lower rent, than he required a Protestant to pay. Nor indeed would we wish to substitute one grievance for another.

origin of all territorial title;—those who assert this, seem to stand on solid legal ground: and to allege nothing, which, from the bench, the judges of the land could contradict. To say that tithe is but a *quid pro quo*, and the right to it determinable on a failure of consideration, is to take a course, in which we may have to run foul of inappropriate tithes ;\* and our doctrine founder in the encounter. But what might the speculatist, who ventured to burst legal trammels, say? Or how at least might he be disposed to moot upon the subject, if mooting be not the exclusive privilege of lawyers? He might begin by pondering on those complications of the case, which a consideration of mixed and personal tithes would perhaps present; tithes arising from stock, or upon the personal industry of mankind: for that may be pertinent to theory, which is obsolete in practice. But confining himself again to the predial demand, he might observe, that the law which is insisted on made the clergy mere ecclesiastical impropriators. That thus a consequence might arise, which scarcely admits (as has been said with truth,) of being “enunciated without a bull.” In short that the income of the shepherds might survive the

\* As S. N. forcibly suggests, p. 46 of his *Miscellaneous Observations*. It might perhaps be contended, that the nature of a lay impropriator’s title is an exception, taken out of the general rule. But this does not satisfy me. Besides, the general rule is so laid down, as to preclude an argument of the above description.

existence of the flocks;—the legal title of the Protestant Clergy to take tithe remain unaltered and unalterable, though the inhabitants of the country were Roman Catholics to a man: \* a case which, unhappily, the less resembles an extreme one, (though such I am willing it should be called) from the ratio in which they stand to Protestants at the present day. The theory (our speculatist might thus continue) which is sanctioned by the law, might raise an insuperable obstacle, to proportioning the provision for the church to the spiritual wants of the nation. The wants of but one sixth of that nation might be supplied; while the entire territory of the island contributed to support a temple, in which five sixths of its population did not worship. When tithes were established in these countries, their inhabitants were all of one religion. Of England this may be said to be the case at the present day. † It was probably expected that such would be the case in Ireland. That expectation has been disappointed; an event which, both as a politician, ‡ and (with my protestant feelings) as a Christian, I must lament; although I may lament the less, because I agree with *Athamik*, that we are but diverging currents, to be traced to a

\* Declan's preface to the second edition of his first letter, p. xix. Tracts and Topics, p. 90.

† Assuredly, speaking in round numbers, it may be so said.

‡ Moi-disant.

common source; which are destined, in God's own time, to be united; and to flow, (as even before this confluence I trust they do,) to the depths of a mysteriously just, yet unfathomably merciful salvation.

To Ireland alone the above observations, *vale rent quantum*, would apply. They may be but cavils. I almost wish they were demonstrated to be so. For assuredly, (at least if S. N. were the demonstrator) it would not be supposed that they were made *with cavillous intentions*; but in a mere spirit of fair and unreserved discussion.

But even assigning to the above remarks, a weight to which I may perhaps hereafter discover that they are not entitled, yet probably any theory which could be substituted in place of that, which S. N. with seeming voucher of the law maintains, might teem with at once more weighty and more numerous objections. In proving that in a given course there is much to be condemned, alas! in human concerns, we do not show that it ought not to be chosen. In sublunary affairs, *positive* good is not to be attained: that *comparative* good, which results from a choice of evils, is all that is within our reach.

Therefore whether I be a lawyer, or be not, can I do better than abide by law, as it stands before me in full vigour, without pushing back my in-

quiries to the periods of its embryo state? Inquiries, to which, after all, it is Surmise that must make answer. In one of those spirited dramas, with which Plato has (under the title of dialogues) supplied us,\* the State is said to guide our views and conduct by its laws, as the writing master does his yet inexperienced scholars, by lightly tracing lines upon the tablet, upon which their letters are to be formed and drawn. This proves two things: first, that a practice which prevailed when I was a child, prevailed above two and twenty centuries ago;† and secondly, that I should do ill, in deviating from the line which has been prescribed me by Lord Coke. And with these two sage remarks, I abandon speculations, of which the reader can scarcely be more tired, than I am myself.

\* PROTAGORAS. Lest the reader should imagine that I am *showing off*, I beg to confess that this is the only one of Plato's dialogues, of which I have even read a part; with the exception of that account of the last moments of Socrates, which is to be found in (I believe) his Phœdo. I hope indeed that, if I live, Plato and I may become better acquainted. Perhaps we may, even though I should not live.

† "Οστερ οἱ γραμματισταὶ τοῖς μέτων δευοῖς γράφειν τὰν παιδῶν ὑπογράψασις γραμμὰς τῇ γραφίδι οὕτα τὸ γραμματεῖον διδόσει, καὶ ἀναγκάζουσι γράφειν κατὰ τὴν ὑφέγγονταν τῶν γραμμῶν, ὡς δὲ καὶ ἡ πόλις τόμους ὑπογράψασα, κατὰ τούτους ἀναγκάζει, &c.

‡ In the time of Socrates.

What I have said in my soliloquy, between pages 44 and 46 inclusive, S. N. has condescended to discuss; and has given it an answer, that is quite satisfactory and conclusive. The *semble* which I have hazarded in page 45, is not one, I believe, which consistently with law can be supported: viz. that the clergyman's title to tithe resembles a lien-right to tax the produce, in the occupant of the soil. That which was due him by the land-owner, he but takes from this land-owner's agent, or lessee. He but follows the produce into other hands, as a lessor follows the distress which is to secure his rent. On the whole, and considering what my present impressions are, I cannot but reflect with pleasure, on the way in which I shall be found to have expressed myself, in pages 44 and 47.\*

I am not yet as well convinced as possibly I shall be, of the weakness of an observation, which is to be found in page 24 of Tracts and Topics:—viz. that when we hear of ten shillings additional rent, for an acre discharged of the incumbrance of a fourteen penny tithe, there must be an error in so connecting this difference of price with the rector's claim, as to prove that abolition of tithe would be increase of rent. Let us again suppose a case. A. (the landlord) has a farm of ten acres, worth

\* Towards the end of the former, and beginning of the latter.

twenty shillings by the acre to a tenant, who might convert the entire produce to his own use. But it is subject to a tithe of eighteen pence an acre. Accordingly he is offered but nine pounds five shillings rent; and this he agrees to take from B. The same landlord has another immediately contiguous farm, containing the same quantity of ground, and of precisely the same acreable value; but tithe free. If B. propose to take this latter farm at ten pounds, I will say that he knew from the first what he was about. I will say that exemption from tithe may be increase of rent to that amount; and that what, in abolishing the former, we took from the Church, we should be giving to the landlords. But if for the ten acres which are tithe free, B. should offer not ten pounds, but fifteen, I should find it difficult so to construe his proceeding, as to extract from it the inference above mentioned; viz. that a nominal abolition of tithe would be really no more than an alteration of its name; and a transfer of it, under the title of rent, from the rector to the squire. I should ask myself why does B. pay annually five pounds fifteen, for an exemption from the yearly payment of the odd shillings? If the rent of the tithe free acres were augmented by the amount, or any thing like the amount, of the tithe to which the neighbouring acres were subject, I could go along with the argument that represents tithe as but another name for rent. But when the difference is so great as ten shillings by the acre, I lose sight of such reason-

ing; and refer the increase to some other and unknown cause. I ask myself is it that a greater, but fixed and liquidated rent, is preferred to a lesser but uncertain tithe; and to valuators, and the other appurtenants of this latter?\* But I do not pretend to see my way. I am but like Æneas and his Sybil guide.

*Ibant obscuri, sola sub nocte, per umbram.*

And why should I take up so much of my reader's time, for the purpose of telling him, after all, that I am in the dark?†

Be the matters too, through which I have been groping, as they may,—for example, if valuators and tithe contractors be a grievance,—if small tillage farmers be,—as I fear they are—oppressed,‡

\* Yet see S. N. upon this subject, *Misc. Obs.* p. 26.—His observations are highly pertinent and material.

† There is at all events an extent to which the argument of S. N. (founded on the higher rent that tithe-free land brings) will undoubtedly apply; and he observes that this is all which he uses it to prove. His words are these, “ All I assert is, that the Irish tenantry give less for land that pays tithe, than for that which is tithe-free; and that the difference is much more than adequate to the charge actually made against them for tithe; and that therefore, if they knew their real interest, they would not ask for an abolition of tithes.”—*Miscell. Observ.* p. 30.

‡ The reader will perceive, that I do not pretend to say who

and if the Roman Catholic peasant more especially feel the pressure, yet for these evils a powerful and safe corrective may have been devised,—one not drawn from speculations, nor interfering with vested rights; but to be found in the tithe-leasing and tithe-composition acts: and if these measures have been less remedial than they were calculated to be, I learn from the very persuasive authority of S. N. what I must say I should have anticipated, and very promptly believed, that their ill success is not to be imputed to the Church; but on the contrary throws a light upon the subject, highly favourable to their cause. To the principle of the tithe composition bill I profess myself very partial; and though it may be susceptible of, and require amendment, it seems to me to have originated in a deep and diligent, a penetrating and mature consideration, of subjects extremely complicated, intricate, and obscure; and which it has treated delicately, dexterously, and circumspectly. That Bill relieves the distress of the Irish peasant, by diffusing the tithe liability over a

have been their oppressors. This is more than my limited information would allow me to determine. Nay events, not persons, may have been the causes of this oppression. That it exists S. N. admits.—Inquiry, p. 13, and Miscel. Observ. p. 21. In pages 27 and 28, while he does me the honour of noticing a statement which I had made, S. N. may be thought to throw some light upon the question, whence the oppression comes.—See also p. 40, 41.

wider surface; while it leaves the amount of the demand no greater than it was before. And such withal is the nature and character of this diffusion, that the stagnant weight which it withdraws from penury, it distributes over means that are better able to sustain it.

If the tenant does not pay the tithe, this payment cannot be injurious to him. But if this be so, let me in passing ask, what need had he of those corrective benefits, which the Tithe Composition Bill conferred,—unless we admit the principle, that the distress which originated in his relation of tenant, should be removed in his capacity of parishioner, if consistently with the interests of the church this could be done? Again, though we assume the tenant, as things stand, to pay the tithe, yet if whatever was taken from the tithe would be added to his rent, he can have no interest in the reduction of the former.

S. N. thinks, that in his bargain, the Irish tenant guards against the tithe; and he gives examples of his shrewdness.\* He certainly is a somewhat anomalous composition. His mind's eye is as microscopic, with regard to the points which touch his interest, and are immediately around him,—as it is incomprehensive of the spacious field of more cultivated reason. With *him*, Experience me-

\* Page 45.

chanically discharges many of the intellectual functions ; and he is withal inspired with a sort of instinct, which hits the mark,—he himself does not well know how or why.

But S. N. admits, that the peasant attributes the misery of his situation to the demand of tithe.\* Now if he had been sharp enough, when bargaining, to take tithe into account, would he be afterwards simpleton enough to suppose that “the money which he gave the clergyman was his own?† or that the payment was ruining him, which he was making with his landlord’s money, not his own? Would he not on the contrary perceive, that it was on the side of rent, that the shoe was pinching so severely?

S. N. describes him as neglectful, “unthinking,”‡ “not apt to reflect on any thing.”|| But even if the case were otherwise, are there not powerful obstacles in the way of his indemnifying himself against tithes, when he is bargaining for the land? First, neither the future season, nor the future valuator, are parties to this bargain;

\* P. 36, 37.

† P. 21.

‡ P. 24.

|| P. 21.—S. N. admits the general improvidence of the Irish farmer. He admits not only that it may be true that he has, in a particular instance, agreed to pay a higher rent than the land was worth, but that this class always engage to pay rents higher than they ought, p. 43, 44.—In page 30 too, he observes that the Irish tenantry do not know their real interest.

and thus he can ill pronounce what degree of rent reduction will indemnify him ; or how far his crops will give a surplus profit, that shall bear the demands against them. Again, he is in urgent want of the land ; and he has many competitors. Thus he has neither time, nor wish, nor means for making the necessary indemnifying calculations and deductions. While he was about them, he would be out-bid.\*

But the difference between the rents of land tithe subject and tithe free, shows that he *does* make these calculations, and obtain this reduction. I doubt this much.

If this difference were about equal to the amount of tithe-demand, it might better lead to the inference contended for. But it greatly exceeds this amount. It exceeds it in the proportion of ten shillings to fourteen pence. This makes the offer of so exorbitant an advance, resemble rather the result of a strong dislike and panic dread of the tithe-claim, than of cool and provident calculation. It seems more an act of feeling than of thought. Such a feeling of aversion, if it existed, would not, I admit, prove that the thing so hated was odious in fact.\* We live in such an ill and perversely

\* And see S. N. top of page 21.

† S. N. p. 36.

judging world, that it might go but little, if any way to demonstrate this. But at least it would seem to show that we could not argue from the assumption, that what arose from mere prejudice was the deliberate consequence of reflection.

If the Irish tenant were sharp enough to deduct from the rent of ground tithe-subject, what would countervailingly protect him from this tithe, would he not be acute enough to decline paying for the land that was tithe-free, a greater increase of rent than was equal to the value of this exemption?

But it is said, that in consenting to pay this seemingly disproportionate advance, he is taking into account, not merely the thirtieth that *is*, but the tenth that *might be*, demanded by the Church.

Now, would not this be an ill speculation for any man to act on? Would it not be incurring a certain loss, on the chance of a reimbursement, possible perhaps, but as improbable as past experience could make it? At all events, is not this exactly the sort of speculation, on which an Irish peasant would not act?

Allow me here to say, that I never meant to intimate, that the obligations which a clergyman is under to the Public, or his liability to deprivation for not performing these, made the payments

which he called for, more burthensome than they otherwise would be.\* I was moulding this state of things to an argumentative purpose of a different kind. I had the sanction of S. N. for holding, that "tithe is received by the clergy, on condition of the performance of certain duties."† In attempting to build upon the possition, that their title was originally distinguished from that of private proprietors, by the public duties to which clerical proprietorship was appended, I seem to have been led too far; and to have encroached upon certain grounds and principles of law, on which the established clergy have a right to make a stand. Yet let it be remembered, that what I constructed was not a doctrine; but a doubt. A doubt which though it might want a legal, had a seemingly reasonable foundation (or at least excuse,) in the wretchedness of our population; in the so violent and so widely diffused ‡ dislike of tithes; in the reality of annoyance which some of their appurtenants might produce; § in the state of our national religions, and the anomalous effects of such a state; in much, in short, that is connected with this complicated subject; and which it cannot be necessary that I should here repeat.

\* S. N. p. 55.      † Ibid. p. 45.

‡ Yet perhaps unfairly and cuningly excited; and founded on misrepresentation.

§ Tithe farmers, valuators, &c. &c.

I know not only that the candour of S. N. will take in good part what I am about to add, but that he will give me credit for perfect sincerity, in saying that (allowing for the inherent fallibility of our nature) I believe him throughout consistent; and that if in any rare instance he seems the contrary, he does but *seem* so, and probably but *to me*. Accordingly, if he favour his readers with any further discussion, on the important subject which he has been treating, he probably will, with the kindness and condescension which he has shown already, correct whatever error and misapprehension I may have fallen into.

I find then—something like incongruity between the passage which I have just extracted, and one in page 51, where it is asked “if the right to tithe had any connexion with a stipulation to pay a price in return for the grant?” and one again, to be found in page 55, where it is said that “the Protestant clergy are neither paid “by the Roman Catholics, nor by the Laity of “their own persuasion.”

The case of inappropriate tithes unquestionably goes to sustain the two last positions which I have extracted; but seems to conflict with that one which preceded them, in which tithe is said to be “received by the clergy, on condition of the performance of certain duties.” \*

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\* p. 45.

I am not overlooking the distinctive force of the words "*by the Clergy* :" but the doubt which, as to this part of the argument, is still haunting me, is this : whether a difference be not thus acknowledged, between the case of clergy and impropriators, which admits the latter to be an exception from some general rule ; and thus makes arguments, which are drawn from impropriate tithes, somewhat open to the objection of being from particular to universal.\*

Possibly I am but labouring under a misapprehension, which S. N. can easily remove ; and even though some incongruity should exist in the subject matter, and unavoidably become visible in treating it, I ask no more than to turn this to an excuse, for some of those doubts and hesitations which my soliloquy contains.

Let me add, that if S. N. be (as he may be) right, that what ceased to be tithe, would revive immediately against the tenant in the form of rent, all his arguments *ab inconvenienti* seem at once let in. The whole of tithe is paid to residents. Much of the rent into which it was changed, might go to absentees. The former would produce some return to him who paid it. The latter would be as unproductive as seed sown on the sandy shore.

\* See p. 46, 51, 56.

I thus have stated the only points, on which, perhaps unreasonably, but not from obstinacy, I cling with any thing like strength to my original opinions, (as compared with those of my powerful auxiliary, not opponent,) or over which there still appears to hang any thing of obscurity or doubt. This sentence, like the sword of Cato, "in a moment brings me to my end ;" \* and brings, for a paragraph or two, before my readers, a person much more deserving of their attention.

If I understand the case which S. N. has so ably stated, it is this.†

First, that tithe is not an impost on the produce of the soil, in the hands of those by whose capital, skill, and industry, it had been raised ;— nay that it is not properly any deduction from the fruits of these ; but that the right of the Church Establishment, to tithe, is proprietary, and indefeasable ; that it existed long before those leases

\* I cannot add,

while Rock informs me I shall never die.

He on the contrary impliedly assures me I am dead already. By Rock I mean (through the license of Poetry, or the coercion of Metre,) the biographer of Rock ; to whose talents I may say (for I am an Irishman) that I have always rendered partial justice.

† And if I do not, the fault is mine ; for the statement is perspicuous in the extreme.

came into being, on the faith of which each tenant-occupier of the soil has tilled : that their ground came to them tithe-subject ; and this with their full knowledge ; and accompanied with a right and power to indemnify themselves for those liabilities of their landlord, which they were incurring for him : that the Clergy are the first incumbrancers on all our tillage ground : that whether land has descended, or been devised, whether it has been conveyed to purchasers, or freely given,—it has come tithe-charged, to each of its successive owners ; and that if we ask the date of that early grant, by which this incumbrance was created, the answer is, that it is coeval with the establishment of our political constitution ; with reference to which, the church is not to be considered “as a thing heterogeneous and separable ; but on the contrary as holding with it an indissoluble union.”\* Such appears to me to be the view taken by S. N. ; and any floating doubts which I may have harboured or expressed, have subsided into an opinion that this view is a correct one ; and that if such a theory present some anomalies in its detail, the same thing may be said of every complicated system : perhaps of every comprehensive one, which is of merely human fabrick.

Secondly,—and in the way of corollary,—S. N. contends, that all compulsory interference with

\* Burke.

the title of our clergy to demand their tithe, is, in the degree of such interference, an invasion of vested rights ; a violation of that security of property, which is one of the most fundamental principles of the constitution.. That such interference meddles with "a property which has been " taken from no man : with an estate which is " identified with the mass of those private pos- " sessions, of which the State is not the owner ; " but the guardian merely."\*

Thirdly this writer, (to whom I am indebted for information, as well as for too kind encomium) takes some pains to show, that if the tenant be distressed, yet tithe is not his grievance ; nor the clergyman his oppressor : that rent is what weighs him down ; and that his landlord is therefore the person of whom he should complain.†

Fourthly he conceives, that though *an effectual abolition* of tithe were conceded to be a legal, and an eligible proceeding, yet that in *attempting to abolish*, we might be found but to transmute. That we should merely prescribe to tithe, whither it should henceforth go ; and what it should be called : that its name hereafter should be rent ; and that, desecrated, it should swell the coffers of

\* Burke.

† Our landlords, I fear, are not only poorer than our Church ; but scarcely rich enough to make all the sacrifices which the peasant's case requires.

the landlord : but that still the purse of the poor husbandman should be drained ; and even more completely drained, than it was before.

If S. N. establish his first proposition, (from the truth of which, that of the second cannot be severed,) we have no right to call upon him to go further. But it well became him to protest against the conclusion, that the Clergy, in asserting a legal right, were perpetrating a public cruelty and nuisance ; and while they kept a foot on the prostrate peasant's neck, were merely demonstrating that such uncharitable rigour was "their charter." He had a right to argue, and if within his power, to show, that the tithe owner, by insisting strenuously on his right, was so far from obstructing the relief of the peasantry of this country, that he was resisting an innovation, which had not even the poor merit of being nugatory ; but which, on the contrary, would aggravate the evil which it professed to cure.

Upon the speculations which constitute this part of S. N's. argument, I do not pretend to form a definitive opinion. They relate to facts which may be controverted, and inferences which may be disputed. Above all, they are conversant about what is contingent ; about what might, if a certain course were taken, be hereafter ; and therefore they must be more or less conjectural in their nature. But, as I have alrea-

dy granted, they are not necessary to S. N's purpose, unless his first proposition be encountered with success. They are merely meant to show, that rights, of which he is asserting the theory, will not be rigorous in practice.

To return (a miserable falling off) to myself. In my inquisitive progress,—or rather regress,—to the source of those titles which I was investigating, I addressed myself to certain Oracles of our law; whose responses sent me back to modern times; and, as to a proprietary right in tithe, vouched the theories of S. N. Nor did the Statesman differ from the Lawyer. On the contrary, I found the doctrines of Lord Coke nearly echoed by Mr. Burke. Nay, when this latter perceived me qualmish, from a rising doubt, whether the rules by which the property of the church is governed now, did not swerve from those principles in which its claims might be supposed to have originated, he calmed my scruples by an assurance that this was not the case: that *fieri debuerat quod hodie factum valet*: that what the Law had done, a wise and Christian Statesman would, *a priori*, aim to do.

Under such circumstances, and prescribed to by such Authorities,

*what can I more, but decently retire,\**

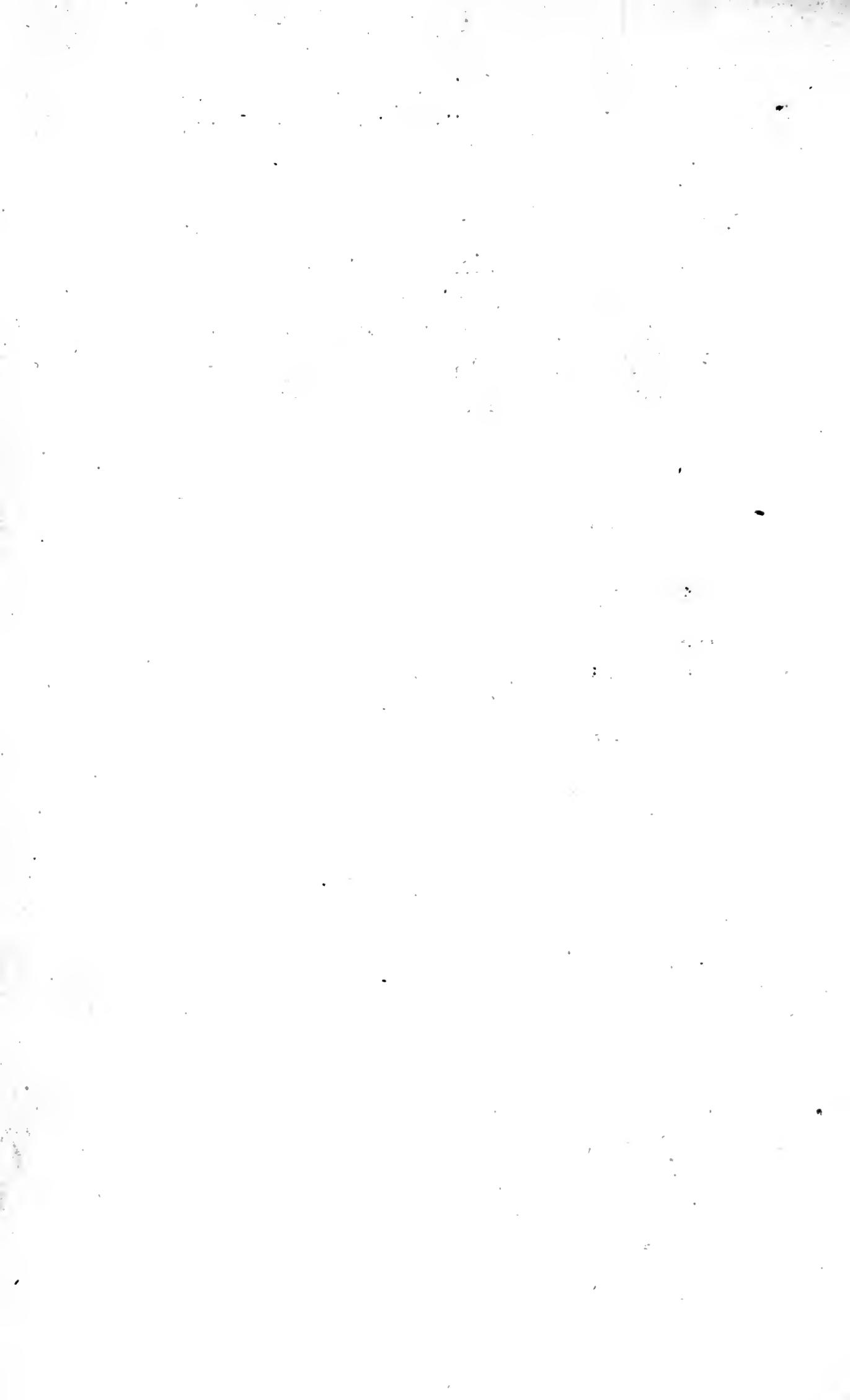
\* Swift.

and surrender such discussions into abler hands?

But I am committing the opposite to that fault which Horace once condemned.\* The *urceus* has swollen to an *amphora*, under my enlarging hands. Let me at least recollect that the last word of the classic line is *exit*. In a word then, I meant to be concise: I fear I have been prolix: but I have done.

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\* De arte poet. l. 22.



## NOTES.

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### NOTE A.

The present crisis has produced, not only what a reader may slumber over; but much that will keep him, to good and pleasant purposes, awake. Some of these productions are considered by E. Barton as samples of excellent writing. But he may be partial in his judgment of publications, in some of which he has been treated with uncommon kindness. Quære indeed whether there be *any*, which have not, upon the whole, treated him with more consideration, than his hasty tracts, and very moderate ability deserved?

### NOTE B.

The Author of ‘Observations occasioned by the letter of J. K. L.’ is entitled to the greater praise for liberality, because E. B. had given him offence. Unintentionally, it is true; but by means of very incautious and slovenly expression. He saw, for a moment, the construction to which the passage led; and was very near being fortunate enough to have it corrected while at press. He now can only say, *first*, that he did not mean to apply the term “Bigot” individually to the Author of the Observations; nor *secondly*, to use it in its most reproachful sense. That it has a milder signification, may be seen from a letter of Mr. Gray; who applies this epithet to Madame

de Maintenon, while he is making highly favourable mention of her. By the way (and a little out of the way) in entertaining and expressing a grateful sense of kindness, I am following neither the fashion of the day, nor the particular examples which have been set me. In three instances,—in two of which I had sown kindness,—and courtesy in the third,—I cannot boast of having reaped any thing more palatable than sheer neglect. I guess who was the ——,\* and who was the abettor, that in each case interfered with the crop, not above board, but under ground. As for the negligents, they are private individuals, or very nearly so.

#### NOTE C.

'Observations occasioned by the letter of J. K. L.' second edition, pages 32 and 34.—'Miscellaneous Observations by S. N.' pages 17, 18, 35, 39, 51, 52, 57.—I agree with the author of the former Tract, (p. 34) that he who labours—or expects—to please every one, is as half witted as the traveller who carried his own ass; and likely to rival not only the good-nature of that wiseacre, but his success. To obtain the praise of one critic (so various are men's judgments) is generally to secure the disapprobation of another. The Author of the 'Complete Exposure,'—whom I now *perhaps* may call E. Barton's unknown friend,—bestows high commendation on his first production:‡ and contrasts its merits with the subsequent supposed falling off which he laments. On the contrary the writer who smiles so pleasantly over this essayist's partialities to a *clair de lune*, declares (indiscriminately) that "in the various "tracts, of which he has been of late prolific, one knows not "whether more to admire the genius, or lament the want of "judgment, by which they are almost equally distinguished."

\* The first letter of this word is blotted. But it must be T; for H. I, E. F. are the other four.

‡ Recent Scenes.

E. B.'s self-knowledge compels him to disclaim the genius which is thus attributed; while self-love leads him to deny the want of judgment which is imputed. To do so on his own authority, might be to produce an incompetent witness in his defence. But may he not deny it, on the unquestionably high authority of S. N.? Is that man utterly destitute of judgment, and exhibiting to public compassion the mere picturesque ruins of "a mind o'erthrown,"—whom S. N. describes as showing himself "eminently qualified to search for truth;" and of whom in various other passages he has made such kind and honorable mention; conferring an obligation which, I trust, E. B. is incapable of forgetting? Surely, after every fair allowance for the kindly exaggerations of Good Nature and Good Breeding, there will remain abundantly enough in these testimonials of S. N., to rescue their object from the imputation of being utterly *consili expers.*

#### NOTE D.

The Bear of Bradwardine; who made his—rather rough than hostile—appearance in the pages of Declan's preface to the second edition of his first letter; into which, however, the aforesaid Bruen would not have made his entry, if their author had but known that E. Barton had as little to say to the writing, as to the producing of *the state of Ireland*; and therefore did not, on this ground, require a licking. Declan says of "Tracts and Topics," that he feels it "not to be a great performance." In this feeling E. B. most fully and unaffectedly agrees. But D. proceeds to call it "a great effort." I doubt whether this description be as just, as it is kind. It required neither effort, time, nor power, merely to "submit questions, and insinuate doubts;" and it is at once the fault and the apology of 'Tracts and Topics,' that this is what that pamphlet meant and professed to do.—See its motto and its preface. Declan, whom I hope I may call the friend, and who manifestly is not the enemy of E. Barton,—represents this latter as "saying of himself, that his ultimate opinion will be a sound and strong one;"

and advert's most kindly to a recent tract, in support and voucher of such an expectation. On this I have to suggest, that E. B. only puts the matter hypothetically; and admits the hypothesis to be one, which *Amour Propre* had inspired. His words are these. "If I be capable of ultimately forming a "sound and strong opinion, (and self-love indulges a conjecture that the case is so,) yet," &c. Secondly I would observe, that if we were to assume that E. Barton is Harg. O'Brien,—and to concur in Declan's favourable opinion of the "Reflections on the Lieutenancy of the Marquess Wellesley,"—it must seem that those intellectual ruins, which, by "the glimpses of the moon," E. Barton's pages had disclosed,—forming a Persepolis over which one of their critics almost wept,\* that these, I say, had undergone a speedy and complete repair.

#### NOTE E.

By the way, E. Barton's publications seem, in more instances than one, to have procured him the reputation of connexions, which he cannot boast of. Soon after the appearance of *Recent Scenes*, he received a letter, in which the following passage was contained: "You have defended *your friend* Plunket con amore, and with complete effect." Now E. B. can barely claim to be the acquaintance, and has no ground for pretending to be the intimate of Mr. Plunket. At most they are but what I have heard called *intimate strangers*; whose meetings are rare and accidental, without any endeavour to make them more certain or more frequent; but who, with an innocent simulation of familiarity, shake hands and smile, when these *non quater anno* interviews occur. For twenty years E. B. has not been within Mr. Plunket's doors; nor is likely to be so for his life, though he should have the misfortune of living twenty years more. He even doubts whether,

\* Observations occasioned by the letter of J. K. L. second edition, p. xxxii.

for the by-gone score, he is indebted to that learned and eloquent gentleman for so much as a frank. Indeed two or three intimacies of Mr. P.'s,—if not too congruous or compatible amongst themselves, seem however insuperable bars to his seeking one with E. B.; who on the other hand has been always "too proud to importune" for this, or any other the like boon. The only application which he perhaps ever made; (and it was not of a personal or private nature,) terminated two years ago, in an altogether lame and impotent conclusion; on which any thing might be founded, rather than an inference that his opinions had weight with Mr. P. He felt sorry for a failure, which has, as he conceives, engendered mischief since. Thus any support which E. B. may subsequently have given to Mr. P. (if indeed he can be considered to have rendered any) has not been given "with forward, or reverted eyes," of gratitude, or expectation; or under any of the cordial influences, which kind and familiar intercourse inspires. E. B. thought him (and the opinion is unchanged) an able and well-intentioned public man; against whom a party cry was loudly and unjustly raised. His case connected itself with the topics which were treated of in *Recent Scenes*; and their author accordingly and impartially entered on his defence, with a zeal, less indulged on behalf of Mr. Plumkett, than of Truth. Whether the latter will requite him, She and Time may tell. As for Mr. P.—who is somewhat timid, and somewhat friend-pecked, (if I may coin a word) he *dare* not, if he *would*, make that return,—which consists in a cultivating manifestation of cordial liking and esteem; and which a proud mind is so far from being called on to reject, that it must on the contrary perceive something akin to contemptuous slight, in the omission to tender such friendly, unsordid, and *mutually honourable* requital; a requital by so much the more justly due, the more independent and disinterested was the advocacy which produced it. But what would Montague or Capulet, what would Mammon or the House of Belial say to this? What they have said: these with sleek insinuation; that with corrosive sneer.

*Non ————— &cet :* but some they do ; and amongst these is Mr. Plunket.

#### NOTE F.

E. B. cannot go quite the length of saying that he did not write one word of the Sketch of the State of Ireland.. He did write one, and only one ; (he records the fact for its singularity;) and that one word was, not his favourite *quasi*, but “*almost*.” It occurred in the encomium on Swift ; and was introduced on account of the panegyric on Mr. Grattan, which a subsequent page contained. The passage originally, as he recollects, stood thus :—“ her first, her last;”\* and the interpolation of ‘ *almost*’ was after the second of those four words. This addition certainly clumsyed the sentence a good deal ; and distorted it from its likeness to the style of Tacitus.. But sentence and distortion have both vanished from the edition published in 1822 ; and with them may be said to have disappeared the last memorial of connexion, between E. B. and the person for whom he has had the honour of being mistaken.

#### NOTE G.

The following are instances of mere fortuitous coincidence. They can be no more : for E. Barton could not copy from an original yet unborn ; and Captain Rock would not imitate what he appears to have despised. I am—in making such collations —renewing the classical *infanda* of Mezentius ; and linking the bloom of life to Death and its pollutions.† For the knell of E. Barton has been some time rung ;‡ and the merry peal,

\* Viz. Ireland's first Patriot ; and her last.

† *Mortua quin etiam jungebat corpora vivis.*—VIRGIL.

‡ The Captain honoured the obsequies with his flinty presence. See page 249, for the funeral sermon which he preached : and in which he warned the friends of the defunct Ephemeral, against expecting for him that life to come in every writer's creed.

which now salutes the ear, announces the entry of Captain Rock on public notice ; and his accession to that *κτημα τοῦ αἰ*, an imperishable fame. In the mean time the parallels, which I am about to give, may show, on behalf of (oh, breathe not his name !) the poor departed pamphleteer, that to thoughts to which *the Captain* has condescended, *he* occasionally soared.

#### PARALLELS.

The fine linen, worn by those who are to gain a victory over the beast, is an evident allusion to the staple manufacture of Ireland ; while the harps which they bear are no less evidently intended to represent the provincial arms of Leinster.—*Captain Rock*, p. 7, published in 1824.

He considered Armageddon to signify Armagh ; in discussing the probability of which, he dwelt upon the quantity of fine linen which its neighbourhood could supply ; upon the saintly character of Erin ; the celestial nature of its ancient crown ;\* and the harps which formed the primitive music of our country.—*E. Barton, Apologetic Postscript*, p. 57, published in 1823.

Archbishop Magee would not at this moment have been throwing six millions of people into convulsions, with an antithesis.—*C. R.* p. 13.

I think our Metropolitan fell into a mistake ; that Antithesis was the guide, by whose allurements he was misled ; and that he wandered into assertions not warranted by the truth ; and too well calculated to wound, in almost the tenderest point, those with whom we ought to be in cordial charity.—*E. Barton, Recent Scenes*, p. 82, published early in 1823.

O sanctas gentes, quibus hæc nascuntur in hortis  
Numina!—*C. R.* p. 18, *E. B. Miracles*, p. 79.

\* It was of the kind which heralds term *celestial*.

Every new governor is provided with a secretary to differ with him for the time being ; and both receive their instructions from a cabinet, not one member of which agrees with another.—*C. R.* p. 33.

The first parallel which I shall give to the above, is from Harg. O'Brien; the second from E. Barton.

To a Viceroy his Chief Secretary is made a counterpoise. Earl Talbot, Mr. Grant; Lord Wellesley, Mr. Goulburn. I do not see the wisdom of making a Lord Lieutenant and his Secretary represent the divisions of the Cabinet, rather than the energies of the State.—*Lieutenancy of the Marquess Wellesley*, p. 17.

Great as Lord Wellesley's intellect may be, how shall its powers avail us, if it be not they in fact which regulate and command ? If he be not seconded, and sustained ? If, on the contrary, he be impeded and controlled ? \* \* \* \* When the mists of this but morning of our new administration have cleared away, I trust we shall perceive the members of our government, not crossing each others' paths ; &c. &c.—*E. B. Recent Scenes*, p. 189, 190, 191.

When Love could teach a monarch to be wise,  
And Gospel-light first dawned from Bullen's eyes.

*E. B. Soliloquy*, p. 121. *C. R.* p. 37.

If Pope had been born a Munster Papist, instead of a London one, he would have been voted an irreclaimable brute.—*C. R.* p. 121.

The Roman Catholics, when taxed with besotted ignorance, as inherent in their faith, presume to take credit for the pages of Dryden and of Pope ; a couple of Papists, of whom the Protestant reader may possibly have heard. For Pope, as seemed to suit his name, was Popish.—*E. B. Soliloquy*, p. 123.

The penal code (said Burke) "was a machine of wise and elaborate contrivance ; and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement, in them, of human nature itself, as ever proceeded from the perverted ingenuity of man."—*E. B. Soliloquy*, p. 102. *C. R.* 122.

These exclusionists would turn the law to a dead or dormant letter. They would strangle in their birth, those privileges which have been given to Roman Catholics by the Constitution ; and pervert its boons to tantalizing disappointments. They push their fellow subjects from the very stools on which the Law would let them sit. These bigots, if the penal code were in full vigour, would resist the most qualified relaxation of its theory ; the slightest mitigation of its practical effects.—*Lieutenancy of Marquess Wellesley*, p 86, 87.\*

Let us keep some of our execrations for those persons, (they are neither obscure nor few) who at this moment sigh after the good old penal times ; and try to infuse into every remaining fragment of that polypus of persecution, the same pestilent life that pervaded the whole.—*C. R.* p. 123.

May I not hope, that, like our namesakes the *Romans*, we shall be hailed throughout all time, *Romanos, rerum dominos* !—*C. R.* p. 129.

Horace too, who though not a Catholic, was a Roman, found himself in a similar predicament.—*E. B. Soliloquy*, p. 119.

\* I am continuing, against the Captain, the barbarous practice of Mezen-tius : *mortua quin etiam, &cet.* I am now bringing him into contact with the still-born, or as some will have it, the birth-strangled offspring of Harg. O'Brien. Edward the Fifth and his brother were smothered with pillows in the tower. These brethren (the English and the Irish one) are not rumoured to have been cushioned there.

Nor could all the pains taken by the government in 1745, and on other occasions, to persuade the Captain's father and his family (here standing for the Roman Catholic lower orders of Ireland) that they were notorious rebels, produce any overt act that at all resembled such a propensity.—*C. R.* p. 139.

Are those pains wisely taken, of which the object seems to be, to convince and satisfy the Roman Catholics of Ireland, that they are neither more nor less than permanent and incorrigible traitors?—*E. B. Recent Scenes*, p. 9.

The tenths paid to the Leyites are a ceremonial\* of the Jewish Law, which, together with its other ceremonials, was set aside by the Gospel.—*C. R.* p. 191.

Christians do not live under the law of Moses; and therefore cannot well cite as authority, an item of its provisions.—*E. B. Soliloquy*, p. 53.

The grant has been made, and a right thereby instituted, which, whatever may be the consequences, *ruat cælum*, cannot be recalled.—*C. R.* p. 205.

The clergy will never so address the State; nor cite a sentiment which ends so ominously, as with *ruat cælum*.—*E. B. Soliloquy*, p. 67.

E. Barton and Captain Rock both appear to have been acquainted with Astolpho. He makes his appearance in the Rhapsody, p. 80, and the Memoirs, p. 206.

Not meaning, I presume, that such names as Fenelon and Sir Thomas More are to be erased altogether from the page of Christianity.—*C. R.* p. 256.

\* A ceremonial!

I scruple to concur in considering Massillon and Fenelon, Bourdaloue and Bossuet, as a little college of Satanic agents ; so many legates sent from the abyss, to propagate infernal faith upon the earth.—*E. B. Apologetic Postscript*, p. 52.

Those were also the days of that papist Sir Thomas More ; whose Bigotry doomed, for religious opinions, a man of distinguished eminence and probity to the block ; and, though he had the power to do so, refused to spare him. It may however be urged, in extenuation of such rigour, that the person to whom he was so inexorable, was—himself.—*E. B. Soliloquy*, p. 121.

The present Archbishop of Dublin pronounces the Roman Catholic Church of Ireland to be a Church without a religion. When this Church without a religion shall have left the Protestants a Church without a laity, &cet.—*C. R.* p. 256.

The doctrine, that the right to tithe has nothing public in its complexion, but is of a mere and purely private nature, if pushed to the extreme of inference which it supplies, might be found to demonstrate the practical bull, that the title of our clergy would remain, unaltered and unalterable, though the inhabitants of the country were Roman Catholic to a man.—*E. B. Soliloquy*, p. 90.

Tithes are entangled in objections, derived from the peculiar situation (in point of religion and in other particulars,) of this country. In England the case is different.—*E. B. Soliloquy*, p. 6, 67, 82, 83.

Obnoxious as tithes may be in England, there are manifest reasons why they should in Ireland be a more odious infliction.—*C. R.* p. 300.

Placed between two churches, the poor peasant is made tributary to both ; and starves between them.—*C. R.* p. 303.

In addition to tithe, the Roman Catholic peasant is also liable in conscience, to his own priest's dues; which makes his burden the heavier and more severe; and the numbers of the Roman Catholics show how extensively operative this severity may be. The individual too will be the more sensible to the pressure, because the return which he has for one payment serves to remind him, that for the other he has none.—*E. B. Soliloquy*, p. 22.

Land tithe-free is said, by Lord Maryborough, to let for ten shillings more by the acre, than land of equal quality, subject to an acreable tithe of fourteen pence. This fact, used by those who state it, for a different purpose, seems to me to show how odious to the Irish peasantry the tithe demand must be.—*E. B. Soliloquy*, p. 24.

This sample alone (viz. the above fact) though quoted by Lord Maryborough for a very different purpose, speaks volumes as to the feeling of repugnance, with which tithe demand is regarded.—*C. R.* p. 315.

The concessions of 1793 had awakened a feeling of loyalty in the Roman Catholic body, which the fair republican theories, *then adopted with such enthusiasm by the Protestants and Presbyterians of the North*, could not weaken or disturb.—*C. R.* p. 330.

Our annalist slurs over the date of those smaller societies, which were speedily swallowed up in that of the United Irishmen; and glides as lightly past the *Protestant and Northern* original which they boast. Is it his business to suggest, that amongst Presbyterians, not Papists, the principles of republicanism found their earliest Irish nest?—*E. B. Recent Scenes*, p. 6.

The freedom of Corporations is one of those rights, which the statute of 1793 restored to the Catholics; but which the

spirit of Orangeism frustrates, and almost wholly nullifies.—  
C. R. p. 338,

A mortification (to the Roman Catholics) rendered nothing the less irksome, from their finding that what Legislative Liberality had freely given, Orange Prejudice could obstinately and inexorably withhold. This refusal infringed, (if frustration be infringement) a law of about thirty years standing.\*—  
E. B. *Recent Scenes*, p. 11.

Out of this aggression, naturally rose that association of the lower orders, called Defenders —C. R. p. 354.

As to the origin of Orange Associations, I am old enough to remember that this was a more than disputable point ; and the very title of their adversaries, *the Defenders*, might throw some light upon the question.—E. B. *Recent Scenes*, p. 7.

If I undertook to compare the Captain with himself, for the purpose of putting his consistency to the test, I might perhaps collate,—on the subject of Swift's pretensions,—pages 123 and 132 (Note:) on that of a free and general perusal of the Scriptures, pages 187 (Note) and 253; and with regard to tithe of agistment, pages 152, 303, 304, and 319. But my only remaining business with his Memoirs is to object to the parallel which has been drawn (page 369,) between him at Port Jackson, and Napoleon at St. Helena. As the Captain is said to have taken his departure, I may venture to insinuate that he makes rather too high pretensions, when he places himself de niveau with the once Imperial Exile. I recollect that when, shortly after the death of this latter, some ungenerously contemptuous language was applied to his memory at the India

\* This brings us back to 1793 : Recent Scenes having been published in 1823.

House, (but ill received by all who heard it,) the circumstance gave rise to the following unstudied lines; which contain some sentiments, that may perhaps deserve to be picked out of the bad French, and indifferent English, into which they have fallen.\*

Il est mort ; et l'on ose parler avec mepris,  
 D'un grand homme, dont naguère L'Europe a fremi.  
 Soupire qui a du cœur, au cercueil d'un heros :  
 Qui veut fouler ses cendres, est méchant, poltron, et sôt :  
 De son vivant je l'ai bravé; vous l'avez craint :  
 Mort, vous l'insultez ; et moi—je le plains.

His soul-throe past, and mortal anguish o'er,  
 Freed from affront, Napoleon is no more.  
 His drooping train, now ready to depart,  
 Crave, with a loyal tear, their Emperor's heart.  
 But who shall covet thine, ungenerous — ?  
 Or coveting, where find it ?—heartless — !

#### NOTE G. 2.

Musick hath charms to soothe the savage breast ;  
*To soften Rocks, &c.* MOURNING BRIDE.

*Bottom.* The raging rocks,  
 with shivering shocks, &c. MIDS. N. DREAM.

\* The lines, in both languages, are the production of E. Barton's very good friend *A. Trebon*; who, being a rather fanciful genealogist, traces his pedigree to the *Doctus Trebonius* of classic times; whose descendant, in Italy's more modern day, would be *Il Dottore Trebonio*; but when the family settled in France, the name may have been frenchified to *Trebon*. For the rest, it will be recollectcd, that Napoleon's surviving Court did apply for permission to carry his heart with them to Europe.

Though castles topple on their warders' heads. **MACBETH.**

Sight so deform what heart of stone could long

Dry-eyed behold !

**MILTON.**

(If an Irishman talked of a dry-eyed heart !)

The Air, a charter'd libertine, &c. **SHAKSPEARE.**

Though you untie the winds, and let them fight

Against the churches.

**MACBETH.**

So the loud torrent, and the whirlwind's roar,

But bind him to his native mountains more. **TRAVELLER.**

*Struem ingentem lignorum succendunt ; ardentiaque saxa aceto  
putrefaciunt. Ita torridam incendio rupem ferro pandunt.—  
LIV. LIB. xxi. c. 37.*

Where Hannibal got the vinegar, may be a question. Guliver assures us, on supernatural\* authority, that he had not a drop of it in his camp.

#### NOTE H. 1.

Pages 28, 29.

*Omar, Maro, Amor, Roma, Armo, Ramo, Oram, Mora.*

*Milner, Merlin, Limner.*

#### NOTE H. 2.

Page 100.

If the humbler farming classes be distressed, (and that they have been so must be conceded,) then, though we should assume

\* or subternatural.

that for this distress, their landlords were in some degree to blame, yet if—while on the one hand, relief as against these landlords were impracticable, some modification of the tithe-system would permanently alleviate their sufferings, and might be accomplished without violating the rights of the Church, or the principles of the Constitution,—if all this were so, S. N. would agree with me, that such a modification ought promptly to take place ; though in making the change, we should be regulating the claims of the innocent, in order to correct evils for which others were to blame. But unless,—when improved to whatever perfection it may be susceptible of,—the tithe-composition act would constitute this corrective, I know not where it can be found. It is to me an algebraic x ; and I cannot work the equation which will tell me what it stands for.

#### NOTE I.

An occurrence, somewhat connected with one of the notes to 'Tracts and Topics,' appears to me to furnish something very like matter for apology : I will not say *from* whom ; but *to* E. Barton.

#### NOTE K.

Of which he died, not very long after the plunder of his house was quite completed. I hope the disease is not hereditary ; for it is a *lingering*, tiresome, and discreditable one ; not knowing how to do its business in a spirited or off-hand way. Yet one would think it was in fashion ; for I suspect it is much more common than is usually supposed. At least it is certainly the fashion to inflict it ; and occasionally inspect the waning victim, as Roman Epicurism did the—not fading, but—beautifully shifting colours of an expiring fish. Yet of those whose breath and conduct wither that, which exhaled sweets of kind cordiality to them, it may not be too much to say that they are wrong. Their advisers ! "Let me not think of that," said one, who ought to have followed his own counsel. But I am getting too pathetic on behalf of an ancestor who died

nearly fifty years ago, and for whose death I believe I consoled myself at the time ; for to it I was indebted for my first mourning suit.—Yet I loved him after a childish fashion ; and remember to this moment his breakfasts of watered-toast and ground-ivy tea ; share of the former of which I purchased, by swallowing some mouthfuls of the latter. But it seems as if ground-ivy (whatever it may have been good for) could not cure a broken heart. He died ; leaving his children not even nominally rich in any thing but blood ; and what the worth of *genus, nisi cum re*—is, we know. In truth its value, under any circumstances, is but imaginary ; or *à peu près*.

## EPILOGUE.



## EPILOGUE

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The foregoing pages will be read by very few; approved by fewer still; and found fault with by great numbers. I forget myself. Not so: but those misapprehend, who suppose that none will censure, until they shall have read. But on what number of *Fautores* may I reckon? I could not, without being over sanguine, calculate on more than half a dozen.—“I see: you expect that about six persons will commend the work.”—Pardon me, gentle reader, I said no such thing. Of the twice two or three by whom my pages are approved, the majority will probably dissemble their approbation. In fact it were a courage too romantic, to avow it in the case of one so little in fashion as E. Barton. Again, consider to whom the writings, under this signature, have been ascribed. To one on whom for a series of years, — — has been looking, with an aversion which he never gave himself the trouble of concealing; and which is the more likely to continue, if not encrease, because in its origin it was wholly gratuitous and unprovoked; the creature of prejudice, and of that hebenon to which he bent his ear. Where is the hardihood that would bestow a praise, which might interfere with these dislikes?—Such bold candour may universally pervade the Bench and Bar: but beyond these learned and independent bodies, will be found to be somewhat rare.—Shall we fly to the opposite

pole, and hope for favour from Captain Rock? Nay, he is ignorant of my very existence; and I hope will continue so. Shall we stop half way, with the Catholic Association, which may be called our equalizing circle, or equator? I naturally shrink from every thing like party praise: and therefore have not felt dissatisfied at finding myself, from the outset, received by them, like the memory, which is toasted in deep and solemn silence. Besides, they seem to me to have turned into a road which may lead to the Rock country: and diverge as widely from the political course which I pursue. *Ite CAPEL-LÆ*: we part at these cross roads: I wish you a better journey than you seem to me to have entered on; and retain all my friendly dispositions to that Body, whose interests you appear to me to misconduct. I have already noticed the country to which your progress points; and fear it is *SILICE in nudâ* you will leave the *spem gregis*, with which you are—or profess to be—entrusted.\*

Shall we cross the channel, in quest of favour and support? Mr. ——— ———! That gentleman and I had, each, once the honour of being presented to the other; and

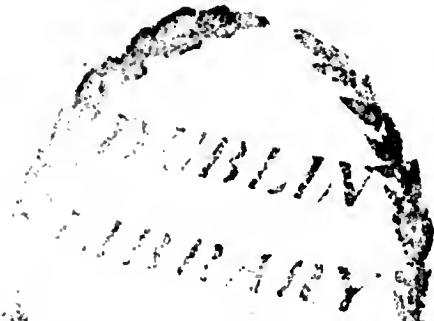
\* If not our ruling, at least our influential Powers, much require to be held in check. And they would be so, by strong *constitutional* opposition. But the opposition, which assumes a radical or seditious air, does but strengthen the hands which are too strong already. It throws a lustre on ultra measures, which could not issue from themselves; and seemingly identifies with the constitution, those whose arrogance, and rashness, and domineering principles undermine it. I begin strongly to conjecture, that some of our Agitators know this well; and pursue the line they do, *in order to be unsuccessful*. I mean, in order not to obtain the success which they profess to aim at. Perhaps these may have another, and very different end, for the attainment of which, their means are not ill-chosen. But if so, ought not those who *have really* those objects, which certain Agitators *but profess to have*,—ought they not, I say, to take care how they commit their interests to such hands?

thanks to the kindness of his cultivation, an acquaintance, which might be called flourishing, ensued. It afterwards however withered: and as this arose from his neglect, not mine, I cannot make any efforts to renew its bloom. Nor is it likely that he will offer me the newly discovered insult of amicably stretching forth his hand. If he were to do so, I do not know that I should reject it. But certainly, and at all events, I would do no more.—“Well, what say you to — — — ? *Satis esse EQUITEM tibi plaudere, no doubt.*” I take him to be an intelligent and upright man; and on the favourable opinions of such, I set high value. But *ornare me* (in the idiom of Cicero) is not amongst his *equit-able* plans. An occasion offered, for putting this to the test; and he, and a common (or rather uncommon and excellent) friend of ours, are both aware what the results have been. But we are forgetting Mr. — — ; whom some consider as one of the fixed Caryatides of Church and State; while I call him a sort of Rational State Packet, continually plying between Dublin Castle and St. Stephens; and properly no more stationary in either place, than a pendulum is at the extremities of the curve through which it oscillates. But be this as it may, and the consequences what *they* may, he received, in some time after his arrival here, from his friend the Surveyor-General, a laboured *carte du pays*. On this (at the apartments of Cellar-ius) a cabinet gossip was then held; and it was settled what ought to be cultivated, and what not. In this *Down-putting* terrier, my poor tenement and climate are thus described. “Atmosphere variable; with gusts, sometimes violent, but oftener light: dwelling solitary, ill-constructed, and infirm; situate too near a mass of over-hanging Rocks; which this vain speculator is always recommending that we should rather cultivate, than blast: his own soil a sour, inert, and irreclaimable more-ass.”

Such being the celebrity, of which E. Barton has a chance,

what better, in these circumstances, could he do, than return to his moonlight rambles in the environs of Truth, (but not within the precincts of the Insurrection Act,) and resume his mazy saunterings in the glimmering twilight of dubiety? muttering (of course) his wayward fancies as he roves: but in too low a voice, to meet the public ear. *Peream male, si non optimum erat!* Accordingly I much doubt whether I ever again shall commit myself to press. To pledge myself by a promise more decisive or distinct, would be to forget the *servetur ad imum* golden rule; which, having been adhered to with such steady unsteadiness heretofore, ought not to be violated, in his last moments, by

E. BARTON.



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Not sure if these are really all  
written by E. Barton, or not ...

UIL 28



**END**

**TITI**

OF

E